

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.**

## **BIRMINGHAM CITY COUNCIL**

### **CABINET**

**Tuesday, 17 November 2015 at 1000  
hours in Committee Rooms 3 and 4,  
Council House, Birmingham**

### **PUBLIC AGENDA**

**1     NOTICE OF RECORDING**

Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

**2     APOLOGIES**

**Attached     3     2020 FUTURE COUNCIL VISION**

Report of the Chief Executive.

**Attached     4     CONTRACT FOR THE PROVISION OF RESPONSIVE REPAIRS & MAINTENANCE SERVICES, GAS SERVICING, CAPITAL IMPROVEMENT WORK PROGRAMMES INCLUDING MAJOR ADAPTIONS TO COUNCIL HOUSING STOCK IN THE NORTH, SOUTH, WEST-CENTRAL, AND EAST AREAS OF BIRMINGHAM - F0239**

Report of the Acting Strategic Director of Place.

**Attached     5     'KEEPING BIRMINGHAM BUILDING': BIRMINGHAM MUNICIPAL HOUSING TRUST (BMHT) ABBEY FIELDS , ERDINGTON PHASES 2 & 3**

Joint report of the Director of Planning and Regeneration and the Acting Strategic Director of Place.

**Attached     6     REPAIR AND MAINTENANCE OF LIFTS IN COUNCIL BUILDINGS - P0280**

Report of the Acting Strategic Director of Place.

<u>Attached</u>	7	<b><u>2015/16 COUNCIL BUSINESS PLAN MEASURES - APRIL TO SEPTEMBER 2015 PERFORMANCE MONITORING</u></b>	Report of the Chief Executive.
<u>Attached</u>	8	<b><u>WEST MIDLANDS RAIL LTD</u></b>	Report of the Deputy Chief Executive.
<u>Attached</u>	9	<b><u>FUTURE COUNCIL PROGRAMME</u></b>	Report of the Chief Executive.
<u>Attached</u>	10	<b><u>CAPITAL &amp; TREASURY MANAGEMENT – QUARTER 2, JULY TO SEPTEMBER 2015</u></b>	Report of the Director of Finance.
<u>Attached</u>	11	<b><u>AGENCY PROVISION FOR THE COUNCIL BIRMINGHAM CYCLE REVOLUTION PHASE 2 AND 3: CANAL WORKS - FULL BUSINESS CASE</u></b>	Report of the Deputy Chief Executive.
<u>Attached</u>	12	<b><u>CORPORATE REVENUE BUDGET MONITORING 2015/16 MONTH 6 (UP TO 30<sup>TH</sup> SEPTEMBER 2015)</u></b>	Report of the Chief Executive and Director of Economy and the Director of Finance.
<u>Attached</u>	13	<b><u>TRANSPORT PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS, FOR VULNERABLE ADULTS AND FOR STAFF TAXIS (P0285) – PROCUREMENT STRATEGY</u></b>	Report of the Strategic Director for People.
<u>Attached</u>	14	<b><u>SUSTAINABLE DRAINAGE</u></b>	Report of the Acting Strategic Director of Place.
<u>To Follow</u>	15	<b><u>RECONFIGURATION AND REFURBISHMENT OF CIVIC HOUSE, ERDINGTON</u></b>	Report of the Acting Strategic Director of Place.
<u>Attached</u>	16	<b><u>SPARKHILL POOL AND FITNESS CENTRE</u></b>	Report of the Acting Strategic Director of Place.
<u>Attached</u>	17	<b><u>PLANNED PROCUREMENT ACTIVITIES (JANUARY 2016 – MARCH 2016) AND QUARTERLY CONTRACT AWARD SCHEDULE (JULY 2015 - SEPTEMBER 2015)</u></b>	Report of the Assistant Director, Procurement.

- Attached**     **18**     **APPOINTMENTS TO OUTSIDE BODIES**
- Report of the Director of Legal and Democratic Services.
- 19**     **OTHER URGENT BUSINESS**
- To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
- 20**     **EXCLUSION OF THE PUBLIC**
- That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

### **PRIVATE AGENDA**

- Attached**     **21**     **CONTRACT FOR THE PROVISION OF RESPONSIVE REPAIRS & MAINTENANCE SERVICES, GAS SERVICING, CAPITAL IMPROVEMENT WORK PROGRAMMES INCLUDING MAJOR ADAPTIONS TO COUNCIL HOUSING STOCK IN THE NORTH, SOUTH, WEST-CENTRAL, AND EAST AREAS OF BIRMINGHAM - F0239**
- Report of the Acting Strategic Director of Place.
- Attached**     **22**     **KEEPING BIRMINGHAM BUILDING': BIRMINGHAM MUNICIPAL HOUSING TRUST (BMHT) ABBEY FIELDS , ERDINGTON PHASES 2 & 3**
- Joint report of the Director of Planning and Regeneration and the Acting Strategic Director of Place.
- Attached**     **23**     **REPAIR AND MAINTENANCE OF LIFTS IN COUNCIL BUILDINGS - P0280**
- Report of the Acting Strategic Director of Place.
- Attached**     **24**     **FUTURE COUNCIL PROGRAMME**
- Report of the Chief Executive.
- Attached**     **25**     **TRANSPORT PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS, FOR VULNERABLE ADULTS AND FOR STAFF TAXIS (P0285) – PROCUREMENT STRATEGY**
- Report of the Strategic Director for People.
- Attached**     **26**     **SPARKHILL POOL AND FITNESS CENTRE**
- Report of the Acting Strategic Director of Place.
- Attached**     **27**     **PLANNED PROCUREMENT ACTIVITIES (JANUARY 2016 – MARCH 2016) AND QUARTERLY CONTRACT AWARD SCHEDULE (JULY 2015 - SEPTEMBER 2015)**
- Report of the Assistant Director, Procurement.

**28     OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>CHIEF EXECUTIVE</b>	
<b>Date of Decision:</b>	<b>17 NOVEMBER 2015</b>	
<b>SUBJECT:</b>	<b>2020 FUTURE COUNCIL VISION</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 980-2015</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>ALL</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>ALL</b>	
<b>Wards affected:</b>	<b>ALL</b>	

**1. Purpose of report:**

1.1 This report presents an initial 2020 Future Council Vision prepared by Cabinet to stimulate wider engagement and debate

1.2 The Vision has been prepared as part of the Future Council programme

1.3 The Vision presents the priorities of the City Council and is part of the Action Plan agreed with the Improvement Panel – Leadership and Strategy – Vision – “providing clarity of purpose as an organisation : one vision, one set of priorities and one plan” (Organisational Improvement Action Plan May 2015)

**2. Decisions recommended:**

2.1 Members of the Cabinet are recommended to approve the 2020 Future Council Vision for publication

**Lead Contact Officer(s):**

Mark Rogers  
Chief Executive  
(t) 0121 464 5655  
(e) mark.rogers@birmingham.gov.uk

**3. Consultation**

3.1 Internal – all Cabinet Members have been directly involved in the preparation of this Vision and recent consultation work with the workforce of the City Council has contributed to the development of the Vision.

3.2 External – a programme of community engagement is taking place and this Vision will be part of future work with stakeholders on the Council Budget and Business Plan.

#### **4. Compliance Issues:**

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

The Vision is consistent with previously published commitments within the Leader's Policy Statement (June 2015) and Council Budget and Business Plan (March 2015). It aims to set out a clear single statement of the highest priorities of the Council which will underpin decision making and the Council's role in working with partners.

##### **4.2 Financial Implications**

The Vision is presented in the context of the City Council's challenging financial context as set out in the Long Term Financial Strategy.

##### **4.3 Legal Implications**

There are no direct legal implications.

##### **4.4 Public Sector Equality Duty**

The Vision reinforces the Council's commitment to addressing inequality and therefore supports the achievement of Public Sector Equality Duty.

#### **5. Relevant background/chronology of key events:**

5.1 In December 2014 Lord Kerslake published The way forward: an independent review of the governance and organisational capabilities of Birmingham City Council. Sir Albert Bore, Leader of Birmingham City Council and the Secretary of State for Communities and Local Government had asked Lord Kerslake to conduct the independent review.

5.2 Alongside the recommendations in the Kerslake report relating to action Birmingham City Council should take, Lord Kerslake recommended that the Secretary of State appoint an independent improvement Panel to work with the council to provide robust challenge and support.

5.3 The Improvement Panel was set up in January 2015. Its members are John Crabtree OBE (chair), Frances Done CBE (vice chair), Cllr Keith Wakefield (former leader of Leeds City Council), and Steve Robinson (chief executive of Cheshire West and Chester Council). Sir Mike Tomlinson, as children's services commissioner for Birmingham, is an ex-officio member.

5.4 This draft vision statement is a key document that outlines what the council's aims are and how the Council is going to operate over the next five years.

<b>6. Evaluation of alternative option(s):</b>
6.1 None

<b>7. Reasons for Decision(s):</b>
7.1 The Vision describes the highest priorities of the City Council to inform decision making and work with our partners

<b>Signatures</b>	<b><u>Date</u></b>
Council Leader	
.....	.....
Chief Executive	
.....	.....

<b>List of Background Documents used to compile this Report:</b>

<b>List of Appendices accompanying this Report (if any):</b>
1. 2020 Future Council Vision
2.
3.
4.
5.

2020 Vision Cabinet Report Appendix 1 to follow.

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Acting Strategic Director of Place</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> November 2015</b>
<b>Subject:</b>	<b>Contract Award for the Provision of Responsive Repairs &amp; Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) in the North, South, West-Central, and East areas of Birmingham. (CONTRACT REF: F0239)</b>
<b>Key Decision: Yes / No</b>	<b>Relevant Forward Plan Ref: 000837</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>Cllr Stewart Stacey, Cabinet Member, Commissioning, Contracting &amp; Improvement Cllr John Cotton, Cabinet Member for Neighbourhood Management and Homes</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffar - Corporate Resources Councillor Zafar Iqbal - Neighbourhood and Community Services</b>
<b>Wards affected:</b>	<b>All</b>

**1. Purpose of report:**

- 1.1 This public award report provides details of the procurement process undertaken for the provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) in the North, South, West-Central, and East areas of Birmingham – F0239.
- 1.2 The accompanying Private Report contains the confidential information in relation to the contract award. The information in this report is not repeated in the Private Report and both reports should be read together.

**2. Decision(s) recommended:**

That Cabinet:

- 2.1 Notes the process followed for the procurement of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) in the North, South, West-Central, and East areas of Birmingham – F0239.

<b>Lead Contact Officer(s):</b>	Rob James - Service Director – Housing Transformation
<b>Directorate:</b>	Place
<b>E-mail Address:</b>	<a href="mailto:robert.james@birmingham.gov.uk">robert.james@birmingham.gov.uk</a>
<b>Telephone Number:</b>	0121 464 7699

<b>Contact Officer(s):</b>	Martin Tolley - Head of Capital Investment
<b>Directorate:</b>	Place
<b>E-mail Address:</b>	<a href="mailto:martin.tolley@birmingham.gov.uk">martin.tolley@birmingham.gov.uk</a>
<b>Telephone Number:</b>	0121 303 3974

<b>Contact Officer(s):</b>	John Jamieson - Head of Asset Management
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<b>Telephone Number:</b>	0121 303 4082

<b>Contact Officer(s):</b>	Ann Marie Rochford - Procurement Manager
<b>Directorate:</b>	Economy
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<b>Telephone Number:</b>	0788 135 8476

<b>3. Consultation</b>
<p><b>3.1 <u>Internal</u></b></p> <p>3.1.1 Service Director - Housing Transformation and the Assistant Director – Corporate Procurement Services have been consulted regarding the preparation of this report and have agreed with the contents.</p> <p>3.1.2 Officers from City Finance and Legal and Democratic Services have been consulted regarding the preparation of this report and have agreed with the contents.</p> <p>3.1.3 Trade Unions are receiving regular updates on the progress of this procurement at Housing Consultation Forum meetings.</p> <p>3.1.4 This procurement and proposed contract award have also been subject to a detailed review by Birmingham Audit and no issues were identified.</p> <p><b>3.2 <u>External</u></b></p> <p>3.2.1 Representatives from the City Housing Liaison Board (CHLB), Acivico Ltd and Service Birmingham formed part of the evaluation team for the Pre-qualification (PQQ).</p> <p>3.2.2 Representatives from the City Housing Liaison Board (CHLB) and Service Birmingham formed part of the evaluation team for the Detailed Solution (DS) and Final Tender (FT) stage of this procurement. All representatives have been consulted regarding the preparation of this report and have agreed with the contents.</p> <p>3.2.3 PricewaterhouseCoopers LLP were engaged as the Council's Critical Friend to provide assurance that the process followed was robust. No material issues were identified during the process.</p>

<b>4.</b>	<b>Compliance Issues:</b>
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.1.1	<p>Details were included in the Cabinet report dated 17<sup>th</sup> March 2014 and the same continue to apply.</p> <p><u>Birmingham Business Charter for Social Responsibility (BBC4SR)</u></p>
4.1.2	<p>Compliance with the BBC4SR is a mandatory requirement in the conditions of these contracts. Bidders provided, along with their Final Tender submissions, an action plan that was evaluated in accordance with Section G of the Procurement Scoring Matrix. This document details the respective weightings for each section and question and can be located in <b>Appendix 1</b>. The action plans of the successful Bidders will be implemented and monitored during the contract period.</p>
4.2	<u>Financial Implications</u>
4.2.1	<p>Under the terms of these contracts the Council will be committed to revenue expenditure for each property held within the HRA covering repairs, voids and gas servicing/repairs. The contracts do not commit the Council to any particular level of capital expenditure. The existing approved HRA Business Plan 2015+ includes provision for revenue expenditure within the scope of these contracts of £218.1M and capital expenditure of £209.5M between 2016/17 and 2019/20.</p>
4.2.2	<p>The existing HRA Business Plan 2015+ will be updated to take into account the new national rent policy announced by the Chancellor on 8<sup>th</sup> July 2015 and will be reported to Cabinet on 1<sup>st</sup> March 2016.</p>
4.3	<u>Legal Implications</u>
4.3.1	<p>Under the Housing Act 1985 and the Landlord and Tenant Act 1985 the Council has statutory obligations to carry out the repairs and maintenance of its housing stock.</p>
4.3.2	<p>The transfer of staff will take place by operation of law if the conditions in the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") are satisfied. The incumbent providers have already provided details of employees who are likely to transfer under TUPE if they were unsuccessful and this information was provided to all bidders.</p> <p><u>Pre-Procurement Duty under the Public Service (Social Value) Act 2012</u></p>
4.3.3	<p>Consideration of how this project might contribute to achieving the Council's priorities and improve the economic, social and environmental well-being of the relevant area was discussed at the Cabinet Strategy report stage of this procurement. Further consultation with the Cabinet Member for Commissioning, Contracting &amp; Improvement, the Service Director – Housing Transformation, Head of Capital Investment and Procurement Manager concerning the percentage weighting on social value was concluded on 24<sup>th</sup> November 2014. These final discussions ensured that the requirements were relevant and proportionate to the overall contract.</p>
4.3.4	<p>The process for securing this social value during the procurement will be through the BBC4SR. See Item 4.1.2.</p>

#### 4.4 Public Sector Equality Duty

4.4.1 The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunities Policy is part of the conditions of contract.

4.4.2 The requirements of the Equality Act 2010 are also part of the conditions of contract.

#### 4.5 Data Protection

4.5.1 The requirements of the Data Protection Act 1998 and Human Rights Act 1998 have been taken into consideration in terms of the processing, management and sharing of data involved in these proposals. Data Processing/ Sharing Agreements will be agreed with each recommended successful contractor.

### **5. Relevant background/chronology of key events:**

5.1 Responsive repair and maintenance services (Council Houses and Garages) and Gas Servicing, maintenance and heating system replacement services are currently provided under contracts that will expire on 31<sup>st</sup> March 2016. A significant element of the Council Housing Capital Improvement programme is currently managed by Acivico with delivery through the Constructing West Midlands Framework.

5.2 Following the award of contracts as proposed the existing arrangements will be replaced by integrated delivery of both revenue and capital works in order to ensure a more effective approach to investment planning and to maximise value for money delivered through the new contracts.

5.3 The new proposed contracts include provisions for performance related pay and share of savings to ensure a clear focus on the effective and efficient delivery of services going forward. These will ensure that contractors are incentivised to deliver efficiency savings and that high performance standards will be appropriately rewarded.

#### **Context**

5.4 The relevant background, chronology of key events, pre-qualification stage and evaluations, Invitation to Participate in Dialogue (Detailed Solution; ((DS)) and evaluation are documented in:

- Report to Cabinet dated 17<sup>th</sup> March 2014 - Procurement Strategy for Council Housing Repair, Maintenance and Improvement Services – Contract Reference F0239;
- Report to Assistant Director – Corporate Procurement Services dated 19<sup>th</sup> August 2014 – Qualification Long List Report and
- Report to Assistant Director – Corporate Procurement Services dated 22<sup>nd</sup> June 2015 – Detailed Solution Short List Report.



## Final Tender (FT) Dialogue Meetings

- 5.5 Following the approval of the Report to Assistant Director – Corporate Procurement Services dated 22<sup>nd</sup> June 2015 – Detailed Solution Short List Report; five shortlisted Bidders (Keepmoat Regeneration Limited, Kier Services Limited, Mears Limited, Wates Construction Limited and Willmott Dixon Partnerships Limited) were invited to prepare for further dialogue concerning the FT stage of this procurement.
- 5.6 A number of FT dialogue meetings were arranged for each specialist work stream, as detailed below, commencing 22<sup>nd</sup> June 2015 and ending 5<sup>th</sup> August 2015; with FT dialogue formally closing 26<sup>th</sup> August 2015.

.WORK STREAMS AND SPECIALIST AREAS						
Work Stream Number	Specialist Area	Specialist Area	Specialist Area	Specialist Area	Specialist Area	Specialist Area
1	Technical	Operational	Contract Management	Implementation	IT / Call Centre	Health and Safety
2	Equalities and Customer Care	Jobs and Skills	Business Charter for Social Responsibility	-	-	-
3	Legal	-	-	-	-	-
4	Commercial / Finance	-	-	-	-	-

- 5.7 To provide Bidders with a fair and equal opportunity during the process, the FT dialogue meetings were arranged on rota basis order.
- 5.8 Minutes of meetings were taken and produced by the Council and circulated to appropriate Bidders as a true record of the discussions that had taken place along with any action points.

## Clarification Phase during FT Dialogue

- 5.9 If a Bidder was in doubt as to the interpretation of any part of the FT documentation or if they considered that any of the requirements were ambiguous they were permitted to contact the Council via the Council's Tender portal <https://intendhost.co.uk/birminghamcc/> using the appropriate clarification template. The clarification period opened on 4<sup>th</sup> August 2015 and closed on 28<sup>th</sup> August 2015.
- 5.10 During the FT stage a total of 131 clarifications were submitted by Bidders and responded to via in-tend.
- 5.11 The FT documentation was explicit in that if clarification was deemed to be non-commercially sensitive (NCS) the responses would be shared with all Bidders to ensure and demonstrate equality.

5.12 Below is a table illustrating the number of clarifications received per Bidder:

<b>Bidder</b>	<b>Number of Clarifications</b>
Keepmoat Regeneration Limited	9
Kier Services Limited	13
Mears Limited	20
Wates Construction Limited	67
Willmott Dixon Partnerships Limited	22
<b>Total – 131</b>	

### **Returned Final Tender Submissions**

- 5.13 Returned FT submissions were received via in-tend from all Bidders noon on 4<sup>th</sup> September 2015.
- 5.14 A pre-evaluation due diligence process was undertaken to ensure that the hard copy final tenders submitted were an exact copy of the final tenders uploaded onto intend. The findings of this due diligence process are detailed in the Private Agenda report.
- 5.15 FT evaluations commenced on 9<sup>th</sup> September 2015 and concluded on 9<sup>th</sup> October 2015.
- 5.16 In addition to the pre-evaluation due diligence process a post evaluation due diligence process was also undertaken to ensure a consistent evaluation approach from DS to FT had been followed. The table below details the officers that were responsible for this process.

<b>Work stream</b>	<b>Work Stream Lead</b>
Work stream 1 Service Delivery - Section B	Head of Capital Investment
Work stream 1 ICT - Section C	Service Birmingham
Work stream 1 Contract Management - Section D	Head of Capital Investment
Work stream 1 Implementation - Section E	Head of Capital Investment
Work stream 2 Social Value - Section F	Head of Asset Management
Work stream 2 Section G Birmingham Business Charter for Social responsibility (BBC4SR)	BBC4SR Project Manager
Work stream 3 Legal	Solicitor
Work stream 4 Section A Commercial	Head of City Finance - Housing Revenue Account

### **Work stream Evaluation Teams**

- 5.17 In order to adequately assess this complex project, four specialist work streams were formed in order to ensure that Officers with specific skill sets, in areas such as Social Value, were at the forefront of the evaluations.

<b>Work stream</b>	<b>Chair</b>
Work stream 1 – Service Delivery	Head of Capital Investment
Work stream 2 – Social Value	Head Asset Management
Work stream 3 – Legal	Solicitor
Work stream 4 – Commercial	Head of City Finance - Housing Revenue Account

- 5.18 In addition service users nominated by City Housing Liaison Board were members of the evaluation team as detailed below.

Work stream	Service Users
Work stream 1 – Service Delivery	Chair of CHLB
Work stream 2 – Social Value	Chair of Acocks Green HLB
Work stream 3 – Legal	Chair of New Oscott and Wyrley Birch HLB
Work stream 4 – Commercial	Chair of CHLB

### Evaluation of Bids and Scoring Methodology

- 5.19 The evaluation criteria set out in the Tender Strategy report dated 17<sup>th</sup> March 2014 and outlined that the submissions received would be evaluated using the value assessment approach that enabled the Council to assess bids on both 'Quality' and 'Price'. In this instance a split of 30% quality and 70% price was endorsed. Further consultation with the Cabinet Member for Commissioning, Contracting & Improvement and the Service Director – Housing Transformation concerning the percentage weighting on social value was concluded on 24<sup>th</sup> November 2014.
- 5.20 Each stage of the FT was evaluated against a set of criteria so that each bid was assessed on a fair and consistent basis. The evaluation criterion and the 0-5 scoring methodology for assessing the FT Bidder contributions are summarised in the Private Agenda report.
- 5.21 The results of the FT evaluations are summarised in the Private Agenda report along with confidential information related to the Bidders, including their costs.

### Contract Management

- 5.22 The contracts recommended for award will be managed operationally and commercially by Asset Management and Maintenance Division with strategic support from the Contract Manager within Corporate Procurement Services.
- 5.23 The key criteria on which the Bidders FT were evaluated as follows.

PRICE 70%			QUALITY 30%		
Commercial and Legal	Technical Delivery	ICT	Contract Management	Implementation	Social Value
Criteria percentages of 70%			Criteria percentages of 30%		
70	20	10	30	10	60

- 5.24 Each stage of the FT was evaluated against a set of criteria so that each bid was assessed on a fair and consistent basis. The evaluation criterion for assessing the FT Bidder contributions is summarised in **Appendix 1** Procurement Scoring Matrix. That document details the respective weightings for each section and question.

5.25 It should be noted that the FT documentation set out that the Council may amend Tier 3 weightings described for the Detailed Solution by up to +/- 5% to reflect the FT solution. For the FT, site visits were not undertaken as the objectives of the site visit exercise was to witness first hand Bidder service capability and experience, performance, approach to joint working, customer satisfaction and customer experience. This was only considered necessary as a part of the DS stage. Therefore the 5% weighting for this area was added to Contract Management; sub section Driving Performance Management including KPIs and Performance Measures.

### Scoring Methodology

5.26 This methodology is set out in **Appendix 2** and applied to the FT stage of this procurement.

### Potential Contract Permutations

5.27 Bidders were asked to submit tenders for each individual lot and, to also identify any savings in the event that they are awarded more than one lot. Each individual lot and permissible combination of lots was separately evaluated. The Most Economically Advantageous Tender(s) (i.e. price and quality) for the Council as a whole was identified utilising the outcome of the evaluations for each overall permutation of tender awards that were consistent with the permissible lot combinations as set out in the 'Invitation to Tender' documents and summarised below. Analysis of the Most Economically Advantageous Tender Contract Award Permutations has identified that the optimal permutation is Option 6.

Most Economically Advantageous Tender Contract Award Permutations				
Option	Lot	Lot	Lot	Lot
1	Lot 1 South	Lot 2 West-Central	Lot 3 East	Lot 4 North
2	Lot 1 South / Lot 4 North combined		Lot 2 West-Central	Lot 3 East
3	Lot 3 East/ Lot 4 North combined		Lot 1 South	Lot 2 West-Central
4	Lot 2 West-Central / Lot 4 North combined		Lot 1 South	Lot 3 East
5	Lot 2 West-Central / Lot 3 East combined		Lot 1 South / Lot 4 North combined	
6	Lot 2 West-Central / Lot 3 East combined		Lot 1 South	Lot 4 North

### Depots Usage / Locations

5.28 It is anticipated that the following depots will be utilised to deliver the services under these contracts. The final details will be confirmed during the mobilisation period.

Option	Quadrant	Depot
6	Lot 1 South	Stonebrook Way
	Lot 2 West-Central / Lot 3 East combined	Kings Road
	Lot 4 North	College Road

<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	Not to award contracts. This would result in the Council not having appropriate arrangements in place to undertake repairs and investment in HRA dwellings, and therefore being unable to comply with the requirements of both tenancy agreements and statute.
6.2	To award contracts using any of Options 1 to 5. Each of the other award permutations would allow the required services to be delivered, but would not represent the Most Economically Advantageous Tender permutation. This would therefore be non-compliant with the methodology set out in the previously issued procurement documentation.

<b>7.</b>	<b>Reasons for Decision(s):</b>
7.1	To enable Cabinet to award contracts for the provision of Responsive Repairs & Maintenance Services, Gas Servicing and Capital Improvement Work Programmes (including Major Adaptations to Council Housing Stock) in the North, South, West-Central, and East areas of Birmingham – F0239 for an initial term of four years, commencing 1 <sup>st</sup> April 2016 with the option to extend for up to two periods of two years, subject to satisfactory performance against prescribed Key Performance Indicators.

<b>Signatures:</b>	
<b>Recommendations Approved by:</b>	
.....	.....
Jacqui Kennedy	Date
Acting Strategic Director of Place	
.....	.....
Councillor Stewart Stacey	Date
Cabinet Member for Commissioning, Contracting and Improvement	
.....	.....
Councillor John Cotton	Date
Cllr John Cotton, Cabinet Member for Neighbourhood Management and Homes	

<b>List of Background Documents used to compile this Report:</b>
Public Report to Cabinet dated 17 <sup>th</sup> March 2014 - Procurement Strategy for Council Housing Repair, Maintenance and Improvement Services – Contract Reference F0239
Suite of Final Tender Documents

<b>List of Appendices accompanying this Report (if any):</b>
<b>Appendix 1</b> Procurement Scoring Matrix
<b>Appendix 2</b> Scoring Methodology

## Procurement Scoring Matrix

Tier 1		Tier 2		Tier 3	
Criteria	Weighting	Criteria	Weighting	Criteria	Weighting
Price	70%	Section A Commercial & Legal	70%	Price Per Property Commentary (Responsive Repairs)	5%
				Price Per Property (Responsive Repairs)	15%
				Price Per Property Commentary (Gas)	2%
				Price Per Property (Gas)	6%
				Price Per Element Commentary (Capital)	5%
				Price Per Element (Capital)	15%
				Schedule of Rates Commentary (Capital) / Composite	4%
				Schedule of Rates (Capital) / Composite	12%
				Price Per Void Commentary	3%
				Price Per Void	7%
				Share of Savings	4%
				Performance Related Pay	3%
				Pricing Approach	4%
				Legal Terms and Conditions	9%
				Financial Risk Management and Mitigation	6%
				<b>Total</b>	<b>100%</b>
		Section B Technical Delivery	20%	Depot Usage	10%
				Repair and Maintenance Technical	12%
				Capital Technical	12%
				Capital Electrical	12%
				Repair and Maintenance Gas	12%
				Capital Gas	12%
				Aids and adaptations	5%
				Sundries	5%
				New Technologies	5%
				Voids	15%
				<b>Total</b>	<b>100%</b>

		<b>Section C</b> ICT	10%	Contact Centre	25%
				IT and Mobile Solutions	50%
				Integration with Council systems including OMFAX, APEX, Northgate, CRM, Optitime and Techforge	25%
		<b>Total</b>	<b>100%</b>	<b>Total</b>	<b>100%</b>
<b>Quality</b>	30%	<b>Section D</b> Contract Management	30%	Service and Contract Management and Governance	5%
				Quality Control and Audit	5%
				Site Visits – Not to be included in Final Tender	0%
				Supply Chain including the Management and Monitoring of the Supply Chain	5%
				Communication and interaction with the Council (Relationship Management)	5%
				Understanding of and contribution to Council's Strategy	5%
				Management of Service Integration including working with / coordinating other parts of the Council or other Partners	5%
				Safeguarding	5%
				Management of Health and Safety and other Legislative Requirements.	5%
				Supplier Business Continuity Management	5%
				Driving Performance Management including KPIs and Performance Measures	15%
				Customer Relationship Management (Residents)	15%
				HR Management	5%
				Management of Recoverable Repairs and Leaseholder Apportionment	5%
				Management of Out of Hours Delivery	5%
				Providing and Maintaining Stock Condition Data	5%
				Service Delivery Risk Management	5%
				<b>Total</b>	<b>100%</b>
		<b>Section E</b> Implementation	10%	Mobilisation Plan and Management	40%
				Staff Transfer, Recruitment and Induction	40%
				Mobilisation Strategy for Customer and Stakeholder Engagement	20%
				<b>Total</b>	<b>100%</b>
		<b>Section F</b> Social Value	60%	Jobs and skills	70%
				Customer Care and Equalities	30%
				<b>Total</b>	<b>100%</b>
		<b>Section G</b> BBC4SR		Birmingham Business Charter for Social Responsibility (BBC4SR)	Pass / Fail
		<b>Total</b>	<b>100%</b>		

## Scoring Methodology

The following scoring methodology applied to the FT of this procurement is set out below:

- Excluding Legal A9, all relevant evidence submitted was assessed in accordance to the 0-5 scoring methodology as set out in the table below:

Scored Questions - 0-5 Scoring Methodology to be Applied to Qualitative / Narrative Questions Excluding A9	
Mark	Description
<b>0</b>	<b>Highly unsatisfactory</b> The solution shows that the Bidder does not understand the Council's requirements or the solution is incapable of meeting the Council's requirements.
<b>1</b>	<b>Poor</b> The solution shows that the Bidder understands the Council's requirements but there are some major risks or omissions in the proposed solution to deliver the service and the Council would not be confident of the requirements being met.
<b>2</b>	<b>Doubtful</b> The solution shows that the Bidder understands the Council's requirements and the solution could meet them but there are some areas in the proposed solution to deliver the service which require refinement to ensure the solution answer meets the Council's needs.
<b>3</b>	<b>Satisfactory</b> The solution shows that the Bidder understands the Council's requirements, has offered a solution including a robust approach / method statements or other processes and resources to deliver the service and the solution is capable of meeting the Council's needs.
<b>4</b>	<b>Good</b> The solution shows that the Bidder understands the Council's requirements, offers a solution including a robust approach / method statements or other processes and resources to deliver the service and the solution is capable of meeting the Council's needs and the solution has some additional benefits and opportunities to add value or otherwise enhance the delivery of the required outputs.
<b>5</b>	<b>Excellent</b> The solution shows that the Bidder understands the Council's requirements, offers a solution including a robust approach / method statements or other processes and resources to deliver the service and the solution is capable of meeting the Council's needs and the solution has significant additional benefits and opportunities to add a high level of value or otherwise significantly enhance the delivery of the required outputs.

- The process adopted for the allocation of scores for scoring of qualitative / narrative answers (including questions A1.1, A2.1, A3.1, A4.1, A5.1 BUT excluding Legal A9) / price responses is described below:
  - Each member of the evaluation team, within their designated work stream, individually scored the bidder response and allocated a provisional score between
  - 0-5 for each answer based on the scoring descriptions set out below.
  - The option to score any ½ marks was not permissible.



- The evaluation team member then presented their rationale for their individual scores to the rest of the work stream evaluation team.
- Once this process has been complete each member of the evaluation team had an opportunity to reflect on their provisional scores. There was a provision in the process for individual scores to be adjusted either up or down.
- All individual scores, within the designated work stream, were collated, added together and divided by the number of evaluation team members to reach an average total score for each qualitative / narrative answer for each Bidder.
- Scores were then multiplied by the question weightings to achieve a weighted score for each question.
- The weighted scores for all qualitative / narrative answers were then added together to reach a total weighted score for each Bidder.

### Scoring of Qualitative / Narrative answers (Legal A9 only)

- For the FT, a decision was made to have a varied scoring methodology for the Legal submission opposed to that for the remaining qualitative / narrative answers. All Bidders were notified and agreed to this change.

The requirement was for Bidders to submit their legal documents, listed below, as agreed at the time FT dialogue formally closed. The only provision for alterations was the identification of any omissions or typos by the Council. If Bidders decided to provide additional marked version of the contract or fail to provide all the documents below a score of zero would be applied.

- Volume 2.0 Standard Clauses
  - Volume 2.1 General Operational Clauses
  - Volume 2.2 – Day to Day Clauses
  - Volume 2.3 – Safety and Safeguarding Clauses
  - Volume 2.4 – Legal Contract
- All relevant evidence submitted was assessed in accordance to the 0 or 5 scoring methodology as set out in the table below:

Scored Questions - 0-5 Scoring Methodology to be Applied to Qualitative / Narrative Questions Legal A9 ONLY	
Mark	Description
<b>0</b>	<b>Unsatisfactory</b> The solution shows that the Bidder does not understand the Council's requirements or the solution is incapable of meeting the Council's requirements.
<b>5</b>	<b>Satisfactory</b> The solution shows that the Bidder understands the Council's requirements, offers a solution including a robust approach to deliver the service and the solution is capable of meeting the Council's needs.

- The process adopted for the allocation of scores for Legal A9 was assessed in accordance to the 0 or 5 scoring methodology as set out in the table below:
  - Each member of the evaluation team, within their designated work stream, individually scored the bidder response and allocated a provisional score either 0 or 5 for each answer based on the scoring descriptions set out below.
  - The evaluation team member then presented their rationale for their individual scores to the rest of the work stream evaluation team.
  - Once this process was complete each member of the evaluation team had an opportunity to reflect on their provisional scores. There was a provision in the process for individual scores to be adjusted either up or down.
  - All individual scores, within the designated work stream, were be collated, added together and divided by the number of evaluation team members to reach an average total score for each qualitative / narrative answer for each Bidder.
  - Scores were then multiplied by the question weightings to achieve a weighted score for each question.
  - The weighted scores for all qualitative / narrative answers were then added together to reach a total weighted score for each Bidder.

Throughout the course of the procurement the evaluation provided coverage of fundamental measures such as, but not limited to, cost, quality, risk, operational capacity, KPIs, technical expertise, customer care and affordability. Other dimensions such as value for money, performance, strategic vision, innovation and creativity, integration and implementation were also incorporated. These cut across the key evaluation criteria outlined above.

## BIRMINGHAM CITY COUNCIL

PUBLIC

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Director of Planning and Regeneration and the Acting Strategic Director of Place</b>	
<b>Date of Decision:</b>	<b>17th November 2015</b>	
<b>SUBJECT:</b>	<b>KEEPING BIRMINGHAM BUILDING: BIRMINGHAM MUNICIPAL HOUSING TRUST (BMHT) ABBEY FIELDS ERDINGTON PHASES 2&amp;3 – FULL BUSINESS CASE &amp; CONTRACT AWARD</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000553/2015.</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/>	
	<b>O&amp;S Chairman approved</b> <input type="checkbox"/>	
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>Councillor Tahir Ali, Cabinet Member for Development, Transport and the Economy, Councillor Stewart Stacey, Cabinet Member for Commissioning, Contracting and Improvement and Councillor John Cotton, Cabinet Member for Neighbourhood Management and Homes</b>	
<b>Relevant O&amp;S Chairmen:</b>	<b>Councillor Victoria Quinn, Birmingham Economy, Skills and Sustainability Committee, Councillor Waseem Zaffar, Corporate Resources Committee, Councillor Zafar Iqbal, Neighbourhood and Community Services Committee</b>	
<b>Wards affected:</b>	<b>Erdington</b>	

**1. Purpose of report:**

- 1.1 To seek approval to the Business Case and contract award for the construction of 110 new homes at Abbey Fields, part of the redevelopment of the Lyndhurst Estate, including the provision of new neighbourhood park.
- 1.2 To seek approval for the completion of a series of land appropriations, between the General Fund and the Housing Revenue Account ; part of the remaining land assembly programme, to facilitate the development of new homes, also providing a new park; public open space and play facilities.
- 1.3 To seek approval to additional borrowing of £8.75m to be funded through the Housing Revenue Account.

**2. Decision(s) recommended:**

That Cabinet:

- 2.1 Approves the Full Business Case (Appendix 1) to build 85 new homes for rent, 25 new homes for sales and the provision of a new neighbourhood park at Abbey Fields, at a capital cost of £15.22m at Appendix 1 of the report.

<b>Lead Contact Officer(s):</b>	Julia Martin Housing Regeneration and Development, Economy Directorate	
<b>Telephone No:</b>	0121 675 5409	
<b>E-mail address:</b>	<a href="mailto:Julia.C.Martin@Birmingham.gov.uk">Julia.C.Martin@Birmingham.gov.uk</a>	

## **Decisions Recommended (cont.)**

- 2.2 Authorises additional borrowing through the HRA of up to £8.75m to fund the construction of 25 homes for sale on this site and to accelerate the build of the homes for rent.
- 2.3 Approves the registration of the Council as a Help to Buy agent with the Homes and Communities Agency in order to assist aspiring homeowners to purchase new homes direct from the council.
- 2.4 Authorises the Director of Planning and Regeneration to submit and process all necessary Highway Closure applications and notices required to facilitate the development of the site as set out in Appendix 2 and to enter into any appropriate agreements or alternative arrangements to facilitate alterations to highway access to the site.
- 2.5 Authorises the appropriation of 0.65ha / 1.62 acres of General Fund land held under the Education Act, into the Housing Revenue Account to be held for housing purposes under the Housing Act 1985; and 0.42 ha / 1.04 acres of land held with the Housing Revenue Account for housing purposes under the Housing Act 1985 to the General Fund, for the purposes of use as Public Open Space, as set out in the attached plan at Appendix 3. These appropriations are subject to the confirmation of approval of the application for the change of use and disposal of the former school playing field contained within the former Lindsworth School North under Section 77 of the Schools Standards and Framework Act 1998, this approval being made by the Secretary of State for Education. Maintenance responsibility for all land appropriated will transfer to the receiving service within the Council.
- 2.6 Approves the appropriation of 0.50ha / 1.23 acres of land from the People Directorate; currently held under the Education Act, to the Place Directorate, for the purposes of Public Open Space. This land being held, and remaining, within the General Fund; and subject to the confirmation of the Section 77 approval of the Schools Standards and Framework Act 1998, in respect of the school playing field of the former Lindsworth School North, as set out at 2.5.
- 2.7 Approves the ring fencing of the General Fund revenue benefit generated by the appropriation of the land identified as the former Lindsworth School North in Appendix 3, which is to be appropriated to the HRA from the People Directorate, to be utilised for the purpose of providing additional pupil places.
- 2.8 Delegates to the Director of Property the power to amend or vary the development boundaries of any of the sites.
- 2.9 Authorises the Director of Planning and Regeneration to seek consent under Section 174 of the Localism Act 2011 to exclude the new properties for rent delivered under this development agreement from Right to Buy pooling requirements, to ensure that any capital receipts generated from the sale of homes under the Right to Buy are retained by the Council

- 2.10 Authorises the Director of Planning and Regeneration to receive the result of any consultations regarding the loss of Public Open Space notices in accordance with Section 123(2A) of the Local Government Act 1972 and to decide whether to proceed with the relevant disposal or appropriation under S122 (2A) in consultation with Cabinet Member for Development, Transport and the Economy;
- 2.11 Approves further revenue expenditure of £154,000 commuted for 15 years to cover repairs, capital replacement and grounds maintenance relating to the public open space and play facilities at Abbey Fields, Erdington.
- 2.12 Authorises the Director of Legal and Democratic Services to negotiate, execute and complete all necessary documentation to give effect to the above recommendations including the execution and completion all appropriate way leaves and easements and highway agreements required for the development of the land identified within the planned development at Appendix 1.

### 3. Consultation

#### 3.1 Internal

- 3.1.1 The Deputy Leader has been consulted regarding the contents of this report and supports the proposals coming forward for an Executive Decision.
- 3.1.2 The Service Director Housing Transformation has been consulted in the preparation of this report and supports the proposals coming forward for an Executive Decision.
- 3.1.3 Officers in the Economy Directorate (Legal and Democratic Services, Procurement, City Finance, Birmingham Property Services and Housing Development) and the Place Directorate (Parks, and Highways), and People (Education and Skills Infrastructure) have been involved in the preparation of this report.
- 3.1.4 Erdington Ward Councillors and the Executive Member for the District have been consulted in the preparation of this report and support the proposals coming forward for an Executive Decision. The Cabinet Member for Children's Services has been consulted regarding the contents of this report

#### 3.2 External

- 3.2.1 Extensive consultations have taken place with local residents regarding the regeneration of the estate over several years. Residents have been consulted as part of the statutory planning application process and their comments have been taken into account in the determination of the planning application.

### 4. Compliance Issues:

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

- 4.1.1 The development of new homes for a growing city is a key objective of the Leader's Policy Statement 2015. The development of new affordable housing within the City is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2015+. The proposals also respond to the Leaders Policy Statement Implementation Priorities of:

- 4.1.2 A Fair City – to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly and safeguarding for children – by providing new affordable homes, apprenticeships and bursary programme placements.
- 4.1.3 A prosperous city – to lay the foundations for a prosperous City, built on an inclusive economy – by stimulating the construction industry through the Council’s housing building programme.
- 4.1.4 A democratic city – to involve local people and communities in the future of their local area and their Public Services – by consulting communities about proposals for new development and ensure that new homes meet local needs and localised targeting of training, education and employment initiatives to complement the house-building programme.
- 4.2 Birmingham Business Charter for Social Responsibility (BBC4SR)
- 4.2.1 The recommended contractor is a certified signatory to the BBC4SR and has produced an Action Plan with commitments proportionate to the value of this contract. The actions will be monitored and managed during the contract period.
- 4.2.2 The recommended contractor is to provide 10 apprentices as part of this contract
- 4.3 Financial Implications
- 4.3.1 The estimated total capital construction costs of the properties to be built for sale or held within the HRA will amount to £15.22m (including pre- and post- construction costs, together with marketing costs for the market sale units). This compares to the estimated cost of £11.400m that was previously approved by Cabinet in December 2014. The increase in cost is due mainly to the additional costs of constructing the market sale properties (£3.31m) and the higher than anticipated costs of the new park (£0.59m). The development will be funded from HRA revenue contributions (£6.10 m), 1-4-1 RTB receipts (£4.26m) and sales receipts (£4.86m).
- 4.3.2 The future running costs of the properties and areas of public realm retained within the HRA will be met from the ongoing rental income to be derived from the new build properties. This will result in an overall revenue surplus to the HRA over 30 years of £8.32m. The scheme will result in a minor budget pressure of £0.15m in 2016/17 which will be funded from the overall HRA. From 2017/18 the HRA is expected to break-even or make a surplus each year from the proposals in this report.
- 4.3.3 The full financial implications of the proposals for the 85 homes for rent and 25 homes for market sale are set out in the Full Business Case attached at Appendix 1 and are included within the HRA Business Plan and Budget for 2015/16 and subsequent years. These proposals will result in an in additional borrowing of £8.75m to fund the build of sale units, and to accelerate the build of units for rent. This additional borrowing will be paid from subsequent sales receipts and revenue contributions between 2016/17 and 2019/20. Whilst this will increase the HRA debt in the short term, the overall debt will continue to be within the HRA limit on indebtedness.

- 4.3.4 The financial viability of these proposals is based on the new social housing rent policy that was outlined by the Chancellor on 8/7/15 (i.e. that rents will be reduced by 1% per annum over the next 4 years from 2016/17 to 2019/20). The working assumption is that rents will then revert back to CPI+ 1% after 2019/20 (currently projected at 3% per year). However, should rents not increase at this rate, it is anticipated that cross-subsidy from the other HRA rents will be needed to ensure that the scheme breaks even.
- 4.3.5 Where new highway is required to enable these sites to be redeveloped to support the housing construction described in this report then such development costs will be met by the HRA. Appropriate permissions to construct highway will also be required. Opportunities will be explored to align any changes to the highway as a consequence of each new development to the Highways Management & Maintenance PFI (HMMPFI) programme of works to reduce costs for the delivery of either programme.
- 4.3.6 By law, any appropriation of land between the HRA and the General Fund results in a transfer of borrowing between the HRA and the General Fund equivalent to the open market value of the land appropriated. In addition, the total level of borrowing that can be incurred by the HRA is constrained to not exceed the cap imposed as a part of the HRA self-financing settlement, effective from 1 April 2012.
- 4.3.7 The total open market value of the appropriations proposed in this report from the HRA to the General Fund is estimated to be £0.57m and the equivalent value for appropriation from the General fund to the HRA is estimated to be £0.89m. This results in a net transfer of borrowing from the General Fund to the HRA of £0.32m.
- 4.3.8 The land which is the subject of the appropriations has been valued by Birmingham Property Services and is detailed below

Site		Area	Valuation
1	HRA to Place Directorate(GF)	0.17 hec /0.42 acres	£230,000
2	HRA to Place Directorate (GF)	0.25 hec /0.62 acres	£339,000
	<b>Total Appropriations from HRA</b>		<b>£569,000</b>
3	People Directorate (GF) to HRA	0.65 hec /1.62 acres	£890,000
	<b>Total Appropriations to HRA</b>		<b>£890,000</b>
4	People Directorate (GF) to Place Directorate (GF)	0.50 hec /1.23 acres	£675,000
	<b>Total Appropriations wholly within GF</b>		<b>£675,000</b>

- 4.3.9 These appropriations are the completion of a programme of appropriations required to complete the regeneration of the estate which commenced with approval by Cabinet on 26<sup>th</sup> July 2010 to the transfer of 3.8 acres (1.54 hectares) of General Fund land, valued at £2m which was appropriated to the HRA for housing purposes.



4.3.10 The revenue contribution generated by the appropriation of land between the General Fund and HRA in respect of the former Lindsworth School is proposed to be ring fenced to support the new build Starbank School Project, which will create 420 additional primary school places and 900 additional secondary school places.

4.3.11 It is intended that the development of the public open space and play facilities for this scheme will be delivered through the Landscape Practice Group and a provision of up to £590,000 including initial costs already incurred of £14,000 is included within these proposals.

#### 4.4 Information Management

4.4.1 The nature of this contract is building-related and there are no significant information management issues to be addressed

#### 4.5 Legal Implications

4.5.1 As the Housing Authority, the relevant legal powers relating to the discharge of the Council's statutory function to provide for its housing need are contained in section 9 of the Housing Act 1985. Section 174 of the Localism Act enables the Council to retain 100% of the receipts generated from the sale of the new rented homes subsequently sold under the Right to Buy.

4.5.2 The Council has powers to hold and appropriate land under Sections 120-122 of the Local Government Act, 1972. Under Section 122 of the Local Government Act 1972, the Council may appropriate for any purpose for which the Council is authorised by legislation to acquire land; and land which belongs to the Council and is no longer required for which it is held immediately before the appropriation.

4.5.3 The legal power to dispose of land held within the Housing Revenue Account is contained within Section 32 of the Housing Act 1985, General Consent A.

4.5.4. Section 122(A) requires that where land is existing public open space, notice of the change of use must be advertised prior to the appropriation taking place. Where land is to be appropriated from the HRA and to be used as open space/parks, this is to be held for planning purposes under section 226(1) (a) the Town and Country Planning Act 1990

4.5.5 The site of the former Lindsworth School North contains 4360sqm of designated school playing field; the appropriation of this land is subject to approval of Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 of the Academies Act 2010. Cabinet Approval to submission of these applications was secured on 30<sup>th</sup> July 2012.



#### 4.6 Public Sector Equality Duty

- 4.6.1 There are currently 25,000 people on the Council's waiting list for affordable housing. Many of these people live in overcrowded conditions across the housing sector. Evidence from allocating properties previously developed under the BMHT banner has revealed the extent of this problem, many families being allocated from accommodation that was too small for their needs.
- 4.6.2 Through the BMHT programme, the Council delivers homes that reflect the strategic Housing Market Assessment for Birmingham with an emphasis on 2 bedroom houses and 4+ bedroom houses. Whilst there is a clear driver for family homes (and these make up the majority of the new development programme) the programme also looks to meet other needs, such as people without children and elderly residents who wish to down size from under-occupied homes.
- 4.6.3 The BMHT Delivery Plan for 2015-20 which includes this project, included a citywide Equality Impact Analysis and this agreed by Cabinet in December 2014. It includes areas where different cultural requirements will need to be reflected in the design of the homes provided. Feedback from previous schemes delivered has been utilised and these will be used in developing the schemes outlined within the BMHT Delivery Plan. New Property archetypes need careful consideration in terms of construction affordability and value for money and have now been refined into the BMHT standard house type catalogue. The Council's house building programme represents a unique opportunity to break the mould of repetitive market house types and meet the specific needs of its diverse population.

#### **5. Relevant background/chronology of key events:**

- 5.1 This report seeks approval to proposals to complete the regeneration of the Lyndhurst estate which is located to the North East of Birmingham around 3-4 miles from City Centre and to the North of the centre of Erdington.
- 5.2 An initial phase of development for 25 Houses (19 for rent and 6 for sale) was completed in 2014, and a subsequent phase of 116 homes (70 for sale and 46 for rent) is under way and due to be completed in early 2016. Following consultation in 2013, the estate has now been rebranded as Abbey Fields and the new development has proven to be a great success with the sales market of new homes proving to be extremely strong.
- 5.3 Phases 2 and 3 which are the subject of this report comprise 110 homes which consist of 85 properties for rent and 25 for sale; together with the community facilities they will consolidate the transformation of the estate.
- 5.4 The redevelopment has been the subject of a number of previous reports to Cabinet setting out the overall context of the regeneration of the estate, as well as including specific details of the delivery of the previously commenced phases as set out above. The most recent report in December 2014 set out the intended level of new house building to be undertaken as a part of phases 2 and 3 of the overall scheme, including confirmation of the proposed tenure mix.

- 5.5 Following the success of earlier construction of homes for sale on the estate, an opportunity has been identified to adopt an alternative delivery model, whereby the Council fully funds and takes the sales risk on the market sale properties to be delivered as a part of these phases of the redevelopment. This does not change the overall outcomes from the development, but increases the level of expenditure to be incurred by the Council in funding the overall development, with this increased expenditure more than offset by an increased level of capital receipts to be retained by the Council.
- 5.6 In order to allow purchasers of the homes from the Council access to financial assistance to fund their purchase of their home through the Government's Help to Buy scheme, it is necessary for the Council to register with the Homes and Communities Agency as a Help to Buy Agent. The costs of this registration are merely administrative, and activity as a Help to Buy Agent does not result in any additional costs to the Council.
- 5.7 Outline planning approval for the entirety of the development was secured in October 2010. This approval set the parameters for the development and identified where land use changes were required. The initial land appropriations to facilitate the early phases of this development were approved by Cabinet on 26<sup>th</sup> July 2010. An approval to submit an application for the disposal of the site of the school playing field of the former Lindsworth School north under Section 77 of the Schools Standards and Framework Act 1998, was secured by Cabinet on 30<sup>th</sup> July 2012. Subsequent to this, the reserved matters planning approval to the details of these phases of the development was approved on 28<sup>th</sup> May 2015.
- 5.8 This report seeks approval to complete the remaining land appropriations required to implement the planning permission and complete the site assembly required for the new housing development. This includes the construction of the new neighbourhood park and community facilities, these being the replacement of the MUGA and provision of a playing pitch alongside the Malcolm Locker Youth Centre which are planning obligations. A further report is to be presented to approve the final scheme proposals and contract award for the delivery of the park.
- 5.9 To facilitate this development approval is required for the following land appropriations between the general fund and the housing revenue account, the appropriations are identified in the map in Appendix 3
- Site 1 HRA to Place Directorate - 0.17 Hectares/0.42 acres
  - Site 2 HRA to Place Directorate - 0.25 Hectares / 0.62 acres
  - Site 3 People Directorate to HRA – 0.65 Hectares / 1.62 acres
  - Site 4 People Directorate to Place Directorate – 0.50 Hectares / 1.23 acres
- 5.10 As part of realignment of land holdings to implement the planning permission, a revised Section 77 application will be made to the Secretary of State for Education. In order to secure the formal approval to the Section 77 application, confirmation is required that the income generated by the appropriation of the part of the former school site that is legally classed as school playing fields will be utilised to improve the new build Starbank School. This matter is identified as a high risk to the successful delivery of the project and is identified together with the remaining risks within the risk register at Appendix 4.
- 5.11 The contractors recommended to be awarded the contracts for the development of the new homes are anticipated to commence works from March 2016, and development will be phased to match the availability of resources within the HRA.

<b>6. Evaluation of alternative option(s):</b>	
6.1	The option to develop all homes for sale and provide a greater capital receipt to the Council has been considered, however the mix of rent and outright sale is based upon meeting the ongoing strategic housing needs of the Council and providing affordable housing in areas of high housing need. The provision of 85 new Council homes for rent detailed in Appendix 1 supports the Housing Revenue Account Business Plan by replacing homes lost through demolition and Right to Buy.
6.2	The option to dispose of sites to a Registered Provider has been considered and discounted on the basis that whilst a capital receipt would be forthcoming, this would be minimal.

<b>7. Reasons for Decision(s):</b>	
7.1	To ensure that the Council through its BMHT programme continues to deliver the high quality new homes for the citizens of the City.
7.2	To enable the consolidation of the development of the area and provide the community facilities needed to establish a sustainable community with new homes, play and leisure facilities.

<b>Signatures</b>	<b><u>Date</u></b>
Councillor Tahir Ali – Cabinet Member for Development, Transport and Economy .....	.....
Councillor Stewart Stacey Cabinet Member for Commissioning, Contracting and Improvement .....	.....
Councillor John Cotton Cabinet Member for Neighbourhood Management and Homes .....	.....
Waheed Nazir Director of Planning and Regeneration .....	.....
Jacqui Kennedy –Acting Strategic Director of Place .....	.....

<b>List of Background Documents used to compile this Report:</b>
<ol style="list-style-type: none"><li>1. Report to Cabinet 8<sup>th</sup> December 2014: Birmingham Municipal Housing Trust – Delivery Plan 2015-2020.</li><li>2. Report to Cabinet 25<sup>th</sup> March 2013 : Delivering Additional Housing Growth through the Birmingham Municipal Housing Trust (BMHT) Approval of Full Business Case</li><li>3. Report to Cabinet 30<sup>th</sup> July 2012: Lyndhurst Regeneration</li></ol>
<b>List of Appendices accompanying this Report (if any):</b>
<ol style="list-style-type: none"><li>1. Full Business Case</li><li>2. Site Plan</li><li>3. Land Appropriation Plan</li><li>4. Risk Register</li></ol>

Business Case			
1. General Information			
Directorate	Economy & Place	Portfolio / Committee	Development, Transport and the Economy
Project Title	Development of 85 new rented council homes and 25 homes for outright sale at Abbeyfields, Erdington	Project Code	CA-02336-43
Project Description	<p>In December 2014, Cabinet approved a five-year development programme of over 2,000 new homes as part of the council's commitment to delivering new homes across the city. The Housing Revenue Account Business Plan is based upon the delivery of new council stock, replacing homes lost due to planned clearance and Right to Buy.</p> <p>A number of proposals for the redevelopment of the Lyndhurst Housing estate in Erdington (now rebranded as Abbey Fields) have previously been approved by Cabinet, including in March 2013 and December 2014. This current Business Case brings forward proposals for the development of a further 110 new homes at Abbeyfields, Erdington, comprising 85 social rent properties and 25 properties for outright sale.</p> <p>An initial phase of development for 25 Houses (19 for rent and 6 for sale) was completed in 2014, the current phase for 116 homes (70 for sale and 46 for rent) which commenced on site in early 2014 is due to completed in early 2016.</p> <p>This report also seeks approval to progress the works associated with providing new public open space and play facilities at Abbey Fields in Erdington, which form part of the planning requirements associated with the delivery of 110 new homes.</p>		
Links to Corporate and Service Outcomes	<p>This project will make a direct contribution to both Corporate and Directorate outcomes, including the following:</p> <ul style="list-style-type: none"> <li>• Leaders Policy Statement June 2015</li> <li>• Council Business Plan 2015+</li> <li>• Housing Revenue Account Business Plan 2015+</li> <li>• A Fair City – Safety net: People are safe, especially the most vulnerable</li> <li>• Well-being: All benefit from improved health and wellbeing by the provision of new Public open space and play / fitness facilities</li> <li>• Poverty: Children and families will not live in poverty – Birmingham will be a “Living Wage City”</li> <li>• A Prosperous City – Growing businesses: Businesses will be growing and new ones starting up. Improved leisure facilities will be provided</li> <li>• Education and skills: People will have the qualifications they need for work, including qualifications for school leavers and working age population skills</li> <li>• Youth: Young people will be in employment, training or education</li> <li>• Unemployment: No groups or areas will be blighted by high employment</li> </ul>		

	<ul style="list-style-type: none"> <li>• Sustainability: The scheme including the provision of new open space will help make Birmingham will be more environmentally sustainable</li> <li>• A Democratic City – Engagement and influence: Local people will be engaged in local democracy, and have more influence on local decisions through the consultation process.</li> <li>• Housing Plan 2010 refresh</li> <li>• Homelessness Strategy 2012</li> <li>• Birmingham Housing Growth Plan</li> </ul>		
Project Definition Document Approved by	Cabinet	Date of Approval	9 <sup>th</sup> December 2014 - BMHT Delivery Plan 2015-20
Benefits Quantification - Impact on Outcomes	Measure		Impact
	Number of new homes built for social rent that will be made available to meet demand across the City		85 Social Rent homes 25 homes for sale
	Assessment of Environmental Sustainability of the developments		Affordable homes built using fabric first approach to equate to former Code for Sustainable Homes level 4
	Number of training and employment opportunities secured through the developments		Up to 10 training / apprenticeship opportunities.
	Reducing crime and anti-social behaviour		New homes will be compliant with Secure by Design guidelines, thereby reducing the opportunities for crime and anti-social behaviour within the surrounding area. Encouraging the active use of open space through the provision of the new play facilities,
Project Deliverables	The delivery of 85 additional new rented homes for the City, 25 homes for sale, by March 2018 together with the development of a new recreational facility		
Scope	<p>A number of elements associated with this project have already been delivered. These include:</p> <ul style="list-style-type: none"> <li>• Planning Approval for the 110 new homes;</li> </ul> <p>The key elements remaining within the scope of the project are:</p> <ul style="list-style-type: none"> <li>• Appointment of preferred Contractor(s) for the build element of the project</li> <li>• Achieve start on site in early 2016</li> <li>• Construction of 85 new rented homes by March 2018, as set out above</li> </ul>		
Scope exclusions	The project does not consider the detailed arrangements for the management or ongoing maintenance of the Council housing once built, which will be dealt with under the existing arrangements for HRA dwellings.		
Dependency on other projects or activities	<p>Key dependencies include:</p> <ul style="list-style-type: none"> <li>• Completion of all legal agreements/ building contracts.</li> <li>• Appointment of Contractor/Developer Partners</li> <li>• Secretary of State Approval to the appropriation of Education land for other</li> </ul>		

	purposes		
Achievability	BMHT is now a recognised and substantial provider of affordable and market housing with the council having secured 100% of all its grant under previous HCA programmes. Sales performance is well above average and proves that the product and marketing associated with BMHT sales is strong. The BMHT Constructors Framework has a high level of expertise from current house-builders with over half of these contractors already delivering high quality results for the council under the banner of BMHT.		
Project Manager	Julia Martin, Development Project Manager, Planning and Regeneration 675-5409 <a href="mailto:Juliac.martin@birmingham.gov.uk">Juliac.martin@birmingham.gov.uk</a>		
Budget Holder	As above		
Sponsor	Waheed Nazir (Director of Planning and Regeneration) <a href="mailto:waheed.nazir@birmingham.gov.uk">waheed.nazir@birmingham.gov.uk</a>		
Project Accountant	Nick Ward, (Finance Manager, City Finance) 464 4282) <a href="mailto:nick.ward@birmingham.gov.uk">nick.ward@birmingham.gov.uk</a>		
Project Board Members	<p>Waheed Nazir (as above)</p> <p>John Jamieson (Head of Asset Management and Maintenance, 303 9420) <a href="mailto:john.jamieson@birmingham.gov.uk">john.jamieson@birmingham.gov.uk</a></p> <p>Clive Skidmore (Head of Development, Planning and Regeneration 303 3341) <a href="mailto:clive.skidmore@birmingham.gov.uk">clive.skidmore@birmingham.gov.uk</a></p> <p>Tracey Radford (Head of Housing Management, 303 5683) <a href="mailto:tracey.radford@birmingham.gov.uk">tracey.radford@birmingham.gov.uk</a></p> <p>Guy Olivant (Head of City Finance - Housing Revenue Account 303 4752) <a href="mailto:guy.olivant@birmingham.gov.uk">guy.olivant@birmingham.gov.uk</a></p>		
Head of City Finance (HoCF)	Guy Olivant	Date of HoCF Approval:	October 2015

Key Inputs			
Construction		Running Costs, etc.	
Prudential Borrowing	£8.75m	Weekly rent	£93-£140
Total Build Costs (including fees, excluding POS and Infrastructure)	£14.63m	Annual rent increase	-1.0% until 2019/20 then 3.0% ongoing
Interest Rate (Short term)	2.0%	Rent loss - voids / arrears	3.0%
RTB Activity	None	Management Costs	£685
Key Outputs		Repairs Costs	£833
Debt Repaid	2019/20	Capital Works (5-yearly)	£4,365
(Surplus) / Deficit after 30 years	£(8.32)m	Annual Cost Increase	2.5%

HRA Extract	2014/15	2015/16	2016/17	2017/18	2018/19	Total Year 0 to Year 30
	Year 0	Year 1	Year 2	Year 3	Year 4	
	£m	£m	£m	£m	£m	£m
Rental Income	0.00	0.00	(0.03)	(0.33)	(0.44)	(17.67)
Voids and arrears	0.00	0.00	0.00	0.01	0.01	0.53
Repairs and Maintenance	0.00	0.00	0.01	0.06	0.08	2.96
Management Costs	0.00	0.00	0.03	0.07	0.06	2.48
Financing Costs	0.00	0.00	0.06	0.11	0.06	0.24
Principal Repayment	0.00	0.00	0.00	0.00	0.00	0.00
Cash-backed Depreciation	0.00	0.00	0.08	0.08	0.08	3.14
<b>HRA Deficit / (Surplus)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.15</b>	<b>0.00</b>	<b>(0.15)</b>	<b>(8.32)</b>



Capital Account	2014/15	2015/16	2016/17	2017/18	2018/19	Total Year 0 to Year 30
	Year 0	Year 1	Year 2	Year 3	Year 4	
	£m	£m	£m	£m	£m	£m
Build Costs (including Fees)	0.00	0.28	8.76	5.35	0.04	<b>14.43</b>
Pre Contract Costs	0.11	0.09	0.00	0.00	0.00	<b>0.20</b>
Park Costs and associated commuted sums	0.01	0.01	0.20	0.37	0.00	<b>0.59</b>
<b>Total Development Costs</b>	<b>0.12</b>	<b>0.38</b>	<b>8.96</b>	<b>5.72</b>	<b>0.04</b>	<b>15.22</b>
Capital Investment / Renewals <sup>1</sup>	0.00	0.00	0.00	0.00	0.00	<b>3.30</b>
Revenue Contributions from wider HRA	(0.09)	(0.01)	0.00	(1.92)	(3.41)	<b>(6.10)</b>
1-4-1 RTB Receipts	(0.03)	(0.04)	(2.57)	(1.61)	(0.01)	<b>(4.26)</b>
Sales Receipts	0.00	0.00	(1.05)	(2.39)	(1.42)	<b>(4.86)</b>
Short-term Prudential Borrowing	0.00	(0.33)	(6.51)	(1.91)	0.00	<b>8.75</b>
Principal Repayment	0.00	0.00	1.17	2.11	4.80	<b>(8.75)</b>
Cyclical Maintenance Reserve Release	0.00	0.00	0.00	0.00	0.00	<b>(3.30)</b>
<b>Capital Account (Surplus) / Deficit</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Balance Sheet Extract	2014/15	2015/16	2016/17	2017/18	2018/19	2044/45
	Year 0	Year 1	Year 2	Year 3	Year 4	Year 30
	£m	£m	£m	£m	£m	£m
Land & Buildings	0.00	0.00	5.53	11.43	11.06	21.02
Cyclical Investment Reserve	0.00	0.00	0.08	0.16	0.24	(0.02)
Borrowing Outstanding	0.00	0.33	5.68	5.48	0.68	0.00
Capital Reserve	0.00	(0.33)	(11.29)	(17.07)	(11.98)	(21.00)
<b>Net</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

Properties	2014/15	2015/16	2016/17	2017/18	2018/19	Total Year 0 to Year 30
	Year 0	Year 1	Year 2	Year 3	Year 4	
Social Rent Properties	0	0	41	44	0	85
<b>Total Rent Properties</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>44</b>	<b>0</b>	<b>85</b>
Sale Properties	0	0	6	12	7	25
<b>Total Properties</b>	<b>0</b>	<b>0</b>	<b>47</b>	<b>56</b>	<b>7</b>	<b>110</b>

Note:

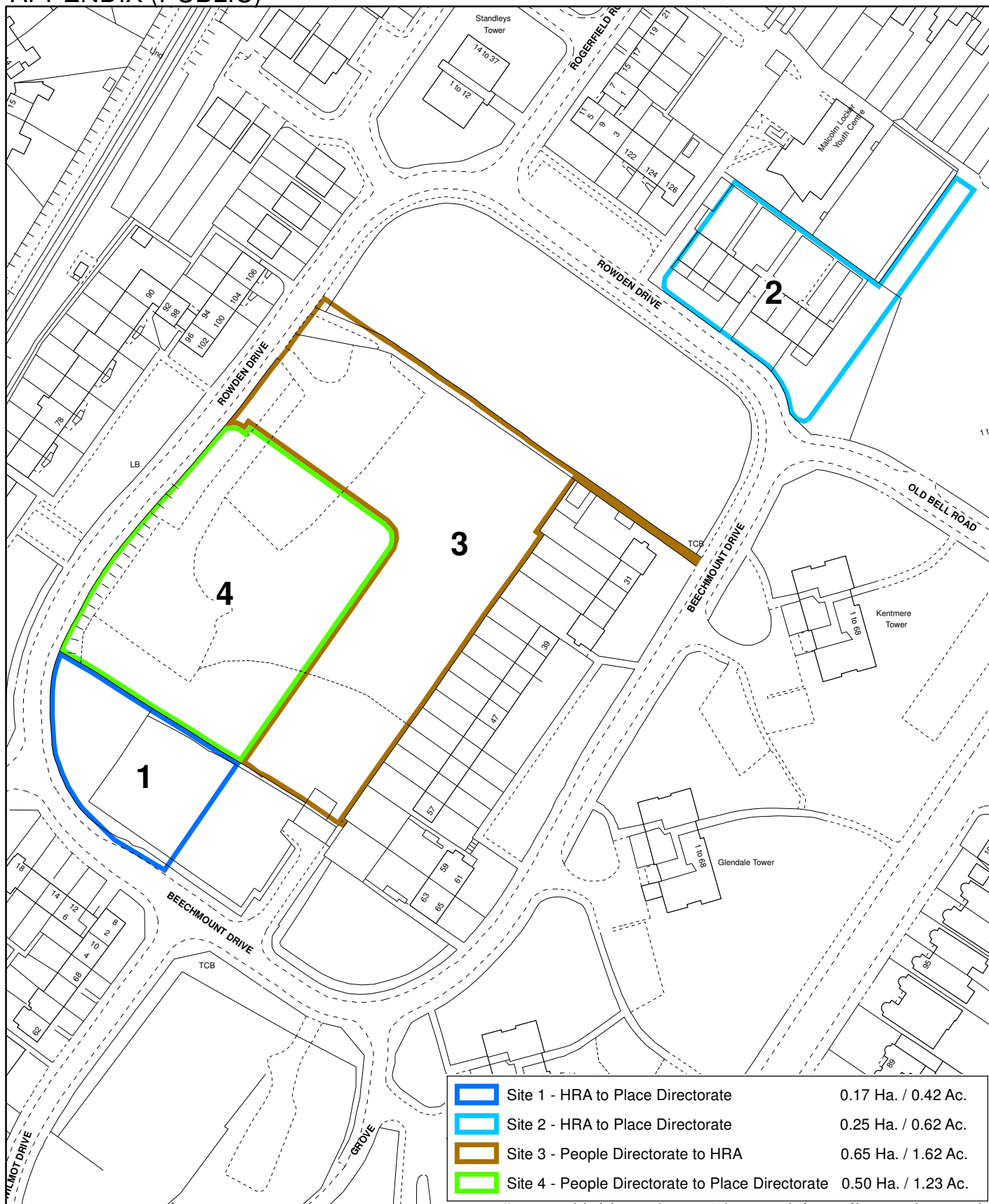
1. Formal approval to the ongoing capital investment / renewals programme (at a total value of £3.3 million over the coming 30 years) will be sought in due course as a part of the overall HRA capital programme as details of elemental investment needs emerge over time.







# APPENDIX (PUBLIC)



Waheed Nazir  
Director of Planning and Regeneration  
1 Lancaster Circus  
Birmingham  
B2 2GL

**LAND FOR APPROPRIATION  
LYNDHURST ESTATE  
ERDINGTON**



SCALE	DRAWN	DATE
1:1,500	DK/JW	03/11/2015

p:\arcgis\housing\lyndhurstschoolandapprv3.mxd

Risk	Probability	Impact	Mitigation Strategy	Resource Implications	Current Position
<b>Planning Risk</b> : Failure to discharge planning conditions	High	High	<p>A number of conditions of outline planning approval have been discharged through implementation of earlier phases of development. Review of outstanding conditions at contract execution. Service Level Agreements with appropriate service areas approved.</p> <p>Ring fencing of revenue generated by appropriation of School playing field land to secure Sec 77 approval</p>	<p>Design costs.</p> <p>Liaison meetings with planning officers</p>	Reserved matters approval secured May 2015 with limited additional conditions. Planning conditions advised in tender process.
<b>Section 77 Consent:</b> failure to secure consent from Secretary of State for education land going to park use	Medium	Low	<p>Some/all of land subject to Section 77 notice can be released from Education use under General Consents.</p> <p>Ensure Section 77 application is robust.</p> <p>Affected land is only a small proportion of site and can be excluded from build contract</p> <p>Refusal of Section 77 consent would require relocation of new park to another location on the estate</p>	None	<p>The small part of the site covered by the Section 77 application could not be developed with either housing or POS until consent is granted;</p> <p>Scheme would be in breach of Planning approval if the Park requirement was not delivered. However, Park does not have to be delivered until the end of the contract, and could be located on another piece of land on the estate which is available.</p>

<b>Sales Risk:</b> Failure to achieve required sales at required base price in line with FBC assumptions	Medium	High	Sales projection assumptions informed by earlier phases of development and tender.  Incentivise sales and service contractor	Additional staff resource required to monitor and manage sales and marketing contractor	Current sales programme on phase 1b on target and all properties presold in line with construction programme. Sales values exceed projections at tender stage and overage being received by BCC.
<b>Sales Risk:</b> Failure to sell properties in line with construction programme.	High	High	Approval to procure the sales and marketing service included within tender acceptance report. Documents prepared for issue to commence procurement once this report is approved.  Appointment of sales and marketing contractor to be undertaken in conjunction with the build contractor	Additional staff resource required to monitor and manage sales and marketing contractor	An external agent was successfully used to sell BMHT properties on previous project.
<b>Construction Risk:</b> Delays in construction programme	Medium	High	Sectional completions required in build contract.  Strong project management arrangements.  Site investigation and services information obtained as part of the planning process and issued as part of the tender for construction.	Contained within programme budgets	Earlier phases on target for delivery in line with development agreement.

<b>Procurement Risk:</b> Delay due to procurement challenge	Low	High	Use of contractor framework and tender evaluation framework , procurement managed by Employers Agent and then evaluated by officers in Corporate Procurement and City Finance	BCC in-house teams. Employers Agent	Risk of challenge deemed minimal due to using well-established Framework contracts.
<b>Construction Risk :</b> Escalation in costs of construction/ development Cost increases may result in reduction in number of rented homes	Medium	Med /High	Fixed cost Design and build contract employed.	Financial model affected increased costs and/or reduced rental income.	Removal of clarification as part of the tender evaluation process to arrive at fixed price.
<b>Construction risk:</b> Contractor insolvency during construction or lack of access to the credit required to complete the developments	Low	High	Capacity checks have been implemented. Schemes will have NHBC cover	Parent Company Guarantees or Performance Bonds required from contractors as part of BMHT procurement and tender awards	Up to date checks are mandatory before contracts signed.

<b>Sub-Contractor/</b> Supplier insolvency during construction	Low	High	Contractors all members a robust and well established Contractor Framework with robust supply chains.	Programme and cost liability transferred to developers.	Appropriate control mechanisms will be put in place including parent company guarantees, performance bonds and NHBC cover. Most contractors are now pro-actively re-enforcing their links with established sub-contractors.
<b>Delivery risk:</b> Failure to complete land assembly, to provide vacant possession to contractor	Medium	High	Consider Commencement of CPO in respect of land at Rowden Drive if negotiations are unsuccessful.  Complete land appropriation as set out in this report	Staffing and cost contained within FBC	Valuations undertaken and approvals sought  Statement of Reasons in draft
<b>Delivery Risk:</b> Failure to secure approval to Sec 77 Sec of State approval will prohibit development of phase 2a and Park	Medium	High	Ring fencing of revenue generated by appropriation of School playing field land to secure Sec 77 approval  Secure approval to land appropriations	Cost of appropriation of land accounted for in full business case	Application previously submitted rejected due to failure to determine expenditure of revenue generated by the appropriation of playing field land.  Consultation on change of use of former school playing field already undertaken with no objections raised



<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>ACTING STRATEGIC DIRECTOR OF PLACE</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> NOVEMBER 2015</b>
<b>SUBJECT:</b>	<b>TENDER STRATEGY FOR THE REPAIR AND MAINTENANCE OF LIFTS TO COUNCIL BUILDINGS AND HOUSING PROPERTIES INCLUDING MAJOR REFURBISHMENT AND NEW INSTALLATIONS (P280)</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000289/2015</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Stewart Stacey, Cabinet Member, Commissioning, Contracting &amp; Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources</b>
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>
1.1 This report provides details of the revised procurement strategy for the re-tender of the repair and maintenance of lifts, disability platform lifts and patient lifting hoists in Council buildings and Housing properties including major refurbishment and new installations in existing buildings. The Private agenda report contains any confidential market information which could impact on the tender process.

<b>2. Decision(s) recommended:</b>
That Cabinet:
2.1 Notes the contents of this report.

<b>Lead Contact Officer(s):</b>	Nel Planas
	Category Officer – Procurement, Corporate Procurement Services, Economy Directorate
<b>Telephone No:</b>	0121 303 0032
<b>E-mail address:</b>	<a href="mailto:nel.a.planas@birmingham.gov.uk">nel.a.planas@birmingham.gov.uk</a>

<b>3. Consultation</b>
3.1 <u>Internal</u>
The Deputy Leader and the Cabinet Member for Neighbourhood Management and Homes have been consulted and agree with the content of the report. <b>TO BE CONFIRMED.</b>
The Service Director, Housing Transformation, Place Directorate and the Director of Property, Economy Directorate have been consulted and agree with the contents of this report.

Officers from Contract Management and Performance (CMAP) Team in Corporate Procurement have been consulted and agree with the contents of this report.

Officers from Finance, Legal and Democratic Services and Procurement have been involved in the preparation of this report.

### 3.2 External

Officers from the Lifts Team in Acivico (Design Construction and Facilities Management) Ltd (Acivico) have been consulted and agree with the content of this report.

## 4. **Compliance Issues:**

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

#### 4.1.1 The proposals are consistent with the Council Business Plan 2015+ which includes:

**A Prosperous City** – Learning skills and local employment

**A Fair City** – Safety Net

**A Democratic City** – Modern Services that serve our citizens

The contract will enable the Council to meet both its equality obligations and its statutory duty with regard to scheduled maintenance of lifts. This will minimise downtime resulting from lift breakdowns thereby avoiding disruptions to users and ensure lift safety.

The Stakeholder Group comprising officers from Asset Management (HRA) - Housing, Place Directorate, Birmingham Property Services, Economy Directorate and the Lifts Team in Acivico will engage with the Employment Access Team with regard to the inclusion of the Jobs and Skills policy and how best the tender process and the resultant contract can meet the jobs and skills agenda regarding apprenticeships, targeted recruitment and training and engaging the unemployed.

#### 4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

##### 4.1.2.1 Single Contractor Negotiation

Otis Ltd is an accredited signatory to the BBC4SR and will be required to commit to additional actions proportionate to the value of the proposed contract.

##### 4.1.2.2 Future Tender

Compliance to the BBC4SR will be a mandatory requirement for tenderers and will also form part of the conditions of contract. Tenderers will submit an action plan with their tender submissions that will be evaluated in accordance with 5.7.1.2. The action plan of the successful tenderer will be implemented and monitored during the contract period.

#### 4.1.2.3 Pre-Procurement Duty under the Public Services (Social Value) Act 2012

Consideration of how this project might contribute to achieving the Council's priorities and improve the economic, social and environmental well-being of the relevant area was discussed with Asset Management - Housing, Place Directorate and Birmingham Property Services, Economy Directorate and this is reflected in the requirements being relevant and proportionate to the overall contract.

The process for securing social value during this procurement will be through the Birmingham Business Charter for Social Responsibility, as per item 4.1.1.

## 4.2 Financial Implications

### 4.2.1 Single Contractor Negotiations

4.2.1.1 Historical spend over a 12 month period is in the region of £2.5m. This does not include spend on major refurbishments and new installations.

### 4.2.2 Future Contract

4.2.2.1 Based on historical spend patterns, spend is expected to be in the region of £4m per annum. This is made up of repair and maintenance spend and major refurbishments and new installations.

4.2.3 The result of Single Contractor Negotiations and the future tender will not commit the Council to any particular level of spend.

4.2.4 Spend for both the single contractor negotiations and future tender will be funded from the following:

- Housing related revenue costs are funded through the Housing Revenue Account
- Housing capital works lift replacement/refurbishment will be funded through the Public Sector Housing Capital Investment Programme
- Non-Housing costs are funded through the appropriate service directorate budget
- Schools costs are funded through schools devolved budgets

4.2.5 For the future tender, prices will be fixed for the first 18 months of the framework agreement. Thereafter, any price movements will be subject to the Lift and Escalator Industry Association (LEIA) indices. These indices are published every October. In comparison to the Consumer Price Index (CPI) which measures the prices households pay for goods and services such as food and non-alcoholic beverages, hotels and restaurants and household goods, the LEIA indices measures the labour index and electrical materials index. The table shows a comparison of the two indices for the periods October 2014 and October 2015:

Index	October 2014	October 2015
CPI	1.3%	0.1%
LEIA	1.45	-24.65%

4.2.6 For the future tender, a rebate of 1.25% for Council spend and 2% for other local authority or public sector body spend will be levied against the expenditure on this contract. This will be payable by the successful contractor(s) to Corporate Procurement Services for the cost of the on-going contract management of the framework. This fee will be value-based and payable, retrospectively, on a quarterly basis by the contractor(s) to the Council.

#### 4.3 Legal Implications

4.3.1 The contract will ensure that the Council is compliant with the following legislation:

- The Lifts Regulations 1987
- The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- The Health and Safety at Work etc. Act 1974
- The Supply of Machinery (Safety) Regulations 2008 (as amended)
- Building Regulations 2010 (as amended)
- Local Democracy, Economic Development and Construction Act 2009

#### 4.3.2 TUPE

TUPE is likely to apply between the current contractor and the new contractor(s) in the event of the incumbent provider not being successful. The Council's role in any TUPE process is limited to the distribution of information between parties, with no responsibility on the part of the Council for the information provided.

#### 4.3.3 Information Management

There are no significant information management issues associated with this contract.

#### 4.4 Public Sector Equality Duty

The relevance test to decide whether the planned procurement had any relevance to the equality duty contained in Section 149 of the Equality Act 2010 for eliminating unfair/unlawful discrimination and to promoting equality and human rights was conducted on 4<sup>th</sup> October 2013. The screening identified there was a requirement to assess it further and a Stage 1 Equality Assessment form was completed (refer to Appendix 2 Reference number 490451/2013). This did not identify a requirement to progress to Stage 2.

### 5. **Relevant background / chronology of key events:**

#### 5.1 Background

5.1.1 The tender strategy report for the repair and maintenance of lifts to Council buildings to include major refurbishment and installations to existing buildings was approved by Cabinet on 16<sup>th</sup> December 2013. The report recommended the commencement of the procurement process for the repair and maintenance of lifts including major refurbishments and new installations for a period of 5 years.

- 5.1.2 During the pre-qualification stage it was identified that a more appropriate approach than that adopted would be to align this procurement with the model being used for the current Housing Repair, Maintenance and Capital Investment tender process with regard to partnership working and to synchronise the end dates of both contract. This would allow the lifts framework agreement to be incorporated into any successor contract if it was identified that this would offer better value for money to the Council.
- 5.1.3 As the resultant changes required to the tender strategy were substantial, it was considered that it was not advisable to introduce changes mid tender as the resultant framework award may leave the Council open to challenge and that it would be more prudent to cancel the process and re-commence it. Advice from Legal and Democratic Services in November 2014 was to cancel the tender process and re-commence it.
- 5.1.4 The changes requested were alignment to the Housing Repair and Maintenance tender process regarding:
- Partnership working
  - Contract duration of 4 years plus 2 options to extend for 2 years
  - Award by quadrant.
- 5.1.5 Concerns were expressed by the Principal Lift Engineer, Acivico that this may 'water down' the value of any subsequent contracts and may not show the Council value for money and may also lead to increased contract management if awarding to more than 2 providers.
- 5.1.6 The overall consensus was to split the City into North and South offering two lots to the market.
- 5.1.7 The Cabinet Member for Commissioning, Contracting and Improvement was consulted on the proposed changes to the procurement process at a meeting on 28<sup>th</sup> April 2015 and supported the proposals.
- 5.1.8 Correspondence was issued to all the companies that expressed an interest in the opportunity to advise them that the tender process was being cancelled and would be re-advertised in due course.

## **5.2 Service Requirements**

- 5.2.1 There is a requirement for the Council's portfolio of lifts, disability platform lifts and patient lifting hoists to be repaired and maintained. There is also a requirement for major refurbishments and installations of new lifts in existing buildings. The proposed framework agreement will assist the Council with meeting its statutory duty and legal obligations as regards lift safety and availability which in turn allows freedom of movement within Council buildings by employees, service users and the wider community.
- 5.2.2 There are two contracts in place for repair and maintenance of lifts, disability platform lifts and patient lifting hoists. One for Housing properties and the other for Non-Housing properties:
- Lift Maintenance for Housing Properties - This contract was awarded to Otis Ltd and expired on 31<sup>st</sup> March 2015. Otis Ltd has continued to provide the service on the existing terms and conditions of contract.

- Lift Maintenance for Non-Housing properties (this includes the repair and maintenance of platform lifts and patient lifting hoists) – This contract was awarded to Otis Ltd and expired on 31<sup>st</sup> March 2015. Otis Ltd has continued to provide the service on the existing terms and conditions of contract.

5.2.3 Major refurbishment and new installations of lifts into existing buildings is currently procured by 'calling off' the Constructing West Midlands framework agreement. Better value may be realised by the Council having its own comprehensive arrangement in place that combines repair and maintenance, major refurbishments and new installations to existing buildings.

#### 5.2.4 Single Contractor Negotiations

5.2.4.1 There is a requirement to enter into single contractor negotiations with Otis Ltd for the provision of lift maintenance for Housing and Non-Housing properties for a period of up to 15 months to allow continuity of service and sufficient time for the replacement framework agreement to be in place.

5.2.4.2 The following alternative options to entering into single contractor negotiations have been considered:

- **To undertake a procurement process.** This was discounted due to the timescales involved in awarding a replacement contract and would not allow for the updated specification to be included in the requirement.
- **To opt into a collaborative framework agreement.** This option was discounted for the reasons as stated in paragraph 5.5.1.
- **Not having a service in place.** This was discounted as the Lifting Operations and Lifting Equipment Regulations 1998 places duties on people and companies, who own, operate or have control over lifting equipment to ensure the equipment is inspected and maintained by the use of a competent person.

5.2.4.3 Otis has performed satisfactorily during the contract period and their performance will continue to be managed by the Principal Lift Engineer, Acivico.

### 5.3 Outcomes Expected

5.3.1 The outcomes expected from this procurement process are:

- Consistently reliable lifts
- Improved availability of lifts
- Accessibility to, from and freedom of movement within Council buildings
- Opportunity to align contracts with other contractual arrangements
- Value for money outcomes

## **5.4 Market Analysis**

- 5.4.1 There are a number of providers in the market who could provide repair and maintenance, major refurbishment and new installation of lifts. The LEIA database contains around 45 lift service providers and manufacturers who potentially may express and interest in this framework.

## **5.5 Procurement Options**

- 5.5.1 The following options have been considered:

### **5.5.1.1 Undertake the activity in-house**

Whilst this has not been formally costed, this option was rejected as the start-up and on-going costs are likely to be financially prohibitive. Also, the Council would not be in a position to keep up with any technological advances regarding the lift industry.

### **5.5.1.2 Tender a Birmingham only Framework Agreement**

This option was rejected as other local authorities, public bodies and housing associations would not be in a position to utilise the framework agreement. Also, the Council may lose any opportunity for rebates from other organisations using the framework.

### **5.5.1.3 Tender as a Birmingham Framework Agreement available for use by other public sector bodies**

This is the preferred option for the Council as this would allow other local authorities, public bodies and housing associations etc access to a framework agreement. The Council would be in a position to benefit from rebates. Also, in utilising this option the Council's core costs would not increase.

### **5.5.1.4 Use of the Constructing West Midlands Framework Agreement**

This option was rejected as the Constructing West Midlands contractors are not specialist lift maintainers and if this option was selected they would sub-contract to a lift company thereby adding an additional layer of on-cost. The risk of challenge by the contractors on the CWM framework has been assessed as low as the CWM contractors are not specialists in the lift market place.

### **5.5.1.5 Use of other Collaborative Framework Agreements**

There are two collaborative framework agreements in place for the repair and maintenance of lifts:

#### **➤ Crown Commercial Service – Facilities Management Services**

This framework agreement was awarded on 29<sup>th</sup> July 2015 for 4 years. The framework is split into 3 lots:

- Lot 1 – Total facilities management
- Lot 2 – Hard facilities management
- Lot 3 – Soft facilities management

Each lot offers public sector bodies and government departments the opportunity to call off a range of facilities management type services. As with 5.5.1.4 there are no specialist lift maintainers on this framework. Use of this framework would mean the successful companies subcontracting to a lift company thereby adding another layer of on-cost and profit to the Council.

➤ Northern Housing Consortium (NHC) – Passenger Lifts

The NHC has a framework agreement in place for the installation and refurbishment, maintenance, service and repair of passenger lifts, stair-lifts and escalators in buildings maintained or owned by NHC members. The Council is a member of NHC however this option was rejected as the framework agreement was not considered to be suitable due the location of the framework providers not being sufficiently large enough to take on the work.

## **5.6 Procurement Approach**

### **5.6.1 Contract Duration and Advertising Route**

5.6.1.1 The contract duration will be for a period of up to 4 years with two options to extend for two further periods of two years, subject to satisfactory performance. This would allow for the requirement to be incorporated into a future Housing Repair and Maintenance contract if that is the most suitable option at the time. The initial contract term takes account of overheads and investment in equipment and buildings for the provider(s) whilst tendering maximises the value of the tender process and its associated costs. The ultimate aim is for the framework to be aligned with the HRM contract.

5.6.1.2 The tender opportunity will be advertised via [www.finditinbirmingham.com](http://www.finditinbirmingham.com), Contracts Finder and the Official Journal of the European Union (OJEU).

### **5.6.2 Procurement Route**

The requirement will be tendered using the restricted route on the basis that:

- The service can be clearly defined
- The LEIA website identified 45 companies who provide repair and maintenance services with major refurbishment and new installations who may express an interest in this framework. Therefore, carrying out the pre-qualification process will ensure the shortlisted organisations meet the Council's requirements.



### 5.6.3 Scope and Specification

5.6.3.1 The Council's lift portfolio is split as follows:

- There is a total of 598 lifts
  - 415 lifts in housing properties (in both high and low rise blocks of dwellings)
  - 182 lifts in properties managed by Birmingham Property Services
  - There is only one dedicated goods lift. This is located in Lancaster Circus
- There are 115 disability platform lifts and 24 patient lifting hoists which are mostly located in schools or academies.

5.6.3.2 The framework agreement will be tendered by lot as follows:

Lot	Description
1	Zone 1 - Properties in North Birmingham
2	Zone 2 - Properties in South Birmingham

Tenderers will be asked to provide a discount if they are awarded both lots.

#### Repair and Maintenance

The successful contractor(s) will be required to ensure that the Council's lift portfolio is kept in optimum working order. This will be achieved through the following:

- Lift service every 4 weeks
- Detailed examination of the lift every 6 months for disabled access equipment and 12 months for goods lifts
- Periodical testing of passenger and goods lifts annually
- Preventative maintenance with the replacement of worn parts
- Response times for repairs with residents being informed 24hrs in advance of any scheduled repairs to be undertaken
- Response times for emergency call outs

The specification will include the requirement to incentivise the reduction in downtime due to faults through an improved programme of preventative maintenance.

#### Major Refurbishment

There is a 5 year rolling programme of refurbishment works in existence. During 2014/15, 8 full lift replacements were undertaken. During 2015/16 12 lifts will have their controllers replaced.

Major refurbishment may involve the replacement of the following (amongst others):

- Gearboxes
- Hydraulic units
- Door operators
- Call acceptance buzzers
- Guide rails
- Infra-red door safety edges
- Refurbishment of lift cars

#### New Installation in an Existing Building

A new installation is where:

- An existing lift has been completely replaced
- Only the existing guide rails and their fixings alone have been retained

Lift installations to new buildings would not be covered under this framework agreement.

5.6.3.3 Dependent on the award, whether to one or two providers, the framework agreement(s) will be made available to the other local authorities, public bodies and Housing Associations based with the UK who will be able to award contracts through use of the framework in the follows ways:

- **Direct Award** – If the framework is awarded to one provider, any organisation wishing to utilise the framework may do so through direct award.
- **Mini Competition** – If the framework is awarded to 2 providers, any organisation wishing to utilise the framework will be required to carry out a mini competition utilising Acivico professional / technical services to run the mini-competition in support of the client organisation with the aim of appointing the service provider that best suits their needs.
- **Managed Service** – An external organisation may award a contract to Acivico to provide a full managed service in relation to their lift portfolio (ie project delivery and contract administration services including but not limited to technical assurance, KPI measures, legal and financial advisory services) alongside the base repair and maintenance works contract as a package. This framework agreement will be structured in such a way that Acivico will have access to the Providers to allow them to deliver this managed service to any external organisation as required.

5.6.3.4 The framework agreement will include provisions to allow for novation by the Council of its rights and obligations under the agreement to Acivico, subject to Acivico securing appropriate indemnities from the Council for the period of the framework agreement prior to the novation date and the Council securing equivalent indemnities for the post novation period. Acivico will be named as a contracting authority in the OJEU contract notice inviting tenders for the framework agreement.

## **5.7 Tender Structure (including Evaluation and Selection Criteria)**

5.7.1 The evaluation of tenders will be conducted in two stages:

### **5.7.1.1 Pre-Qualification Questionnaire (PQQ) Stage**

#### **Pass / Fail Section**

- Section A – Supplier Information
- Section B – Grounds for Mandatory Exclusion
- Section C – Grounds for Discretionary Exclusion
- Section D – Economic and Financial Standing
- Section E – Technical and Professional Ability
- Section F – Environmental Management
- Section G – Insurances
- Section H – Compliance with Equalities Duties
- Section I – Health and Safety
- Section J – Quality Management
- Section K – Compliance with the BC4SR and the Living Wage
- Section L – Declaration
- Section M- PQQ Template of Appendices

#### **Scored Section**

- Section I – Technical Experience and Competence (90%)
- Section J – References (10%)

The Council expects to invite no more than the 5 top ranked organisations to the Invitation to Tender stage, however it may invite more organisations where there is a negligible difference in the scores between the 5<sup>th</sup> applicant and the next placed applicant(s).

### **5.7.1.2 Invitation to Tender (ITT) Stage**

The organisations successful at PQQ stage will be invited to tender and sent the tender documentation for completion and return.

The ITT will be evaluated using the quality / social value and price criteria below that were established having due regard to the corporate document 'Advice and Guidance on Evaluating Tender on Quality and Price' which considers the complexity of the services to be provided.

Tenders will be evaluated against the specification in accordance with a pre-determined evaluation model using a quality / social value / price split of 30% quality, 10% social value and 60% price.

The evaluation of tenders for each lot will be divided into Assessment A, B and C as detailed below:

### **Assessment A – Quality (Written Proposals) – 30%**

Written Proposals	Overall Weighting	Sub-Weighting
Organisation and Resources	<b>100%</b>	25%
Mobilisation		15%
Contract Management and Customer Care		25%
Managing Risk in Contract Delivery		20%
Use of Information Technology		15%

Tenderers who score more than the total quality score threshold of 60% ie a score of more than 300 out of a maximum quality score of 500 will proceed to assessment B – Social Value Proposals.

### **Assessment B – Social Value Proposals – 10%**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	30%
Buy Birmingham First		10%
Partners in Communities		25%
Good Employer		15%
Green and Sustainable		10%
Ethical Procurement		10%

Tenderers who score more than the total social value score threshold of 50% ie a score of more than 250 out of a maximum quality score of 500 will proceed to assessment C – Price.

The outcome of this pilot will be compared to our normal method of assessing Social Value and be reported to the Cabinet Member for Commissioning, Contracting and Improvement and the Assistant Director of Procurement. This may be used as a guide to our approach for future Social Value measurement.

#### **5.7.1.3 Assessment C - Price (60% Weighting)**

Tender prices will be assessed as follows:

Description	Overall Weighting
Repair, Maintenance and Servicing	60%
Major Refurbishment and New Installation	40%

#### **Repair and Maintenance**

Tenderers will be expected to state their prices against a schedule of rates. The completed tender prices will then be assessed using model schemes containing an accurate representation of the work items and quantities that are likely to be found during the day to day management of the contract.

### Major Refurbishments and New Installations

Tenderers will be asked to supply pricing based on a number of accurate scenarios for major refurbishments and new installations.

Prices will be fixed for a period of 18 months from the date of award of the contract. Thereafter, price movements will be subject to annual review with the application of the Lift and Escalator Industry Association Indices which are published every October. The indices are based on the following three elements:

- Labour
- Electrical Materials
- Mechanical Materials

The application of these indices can cause prices to go up as well as down. For example, previous indices published were:

October 2014	1.45%
October 2015	-24.65%

#### **5.7.1.4 Overall Evaluation**

The evaluation process will result in comparative quality and price scores for each tenderer. For each element (quality, social value, price), the tender obtaining the highest marks will be awarded the maximum score for that element, with other tenders being allocated scores on a pro-rata basis.

#### **5.7.1.5 Social Value Portal Pilot**

It is planned to pilot the use of the Social Value Portal for this procurement exercise in parallel to the current Social Value scoring methodology. Although the resultant scores from the pilot will not be used to determine the outcome of the procurement exercise, the learning from the pilot may inform our future practices. This methodology has been piloted by Lambeth Council. This produced significant social value returns of +30% at no additional cost. A number, (between 10 and 20) of relevant measures will be selected from the existing 41 measures included in the Charter which are most relevant to this procurement. Each measure will have a financial proxy attached which will be drawn from established data points available. A local importance factor can also be applied to these proxies such as higher scores if bidders propose to work with or target those residents living in the deprived areas of Birmingham. Bidders will be asked to offer values against each identified measure with the company offering the highest total social value being given the highest score. Bidders will be consulted during the tender process.

### **5.7.2 Evaluation Team**

The evaluation of tenders will be undertaken by officers from:

- Asset Management (HRA), Housing – Place Directorate
- Birmingham Property Services – Economy Directorate
- Lifts Team in Acivico

supported by Corporate Procurement Services

### **5.8 Risk**

The CPS approach is to follow the Council's Risk Management Methodology where the Procurement Team is responsible for risk management. The risk register for this project has been produced and is owned by CPS. Asset Management (HRA) Housing, BPS and Acivico with arrangements being put in place to ensure that operational risks are mitigated.

### **5.9 Indicative Implementation Plan**

Cabinet Approval (Strategy)	17th November 2015
OJEU Notice Issued	14th December 2015
Clarification Period	15th December 2015–13th January 2016
PQQ Deadline Submission	20th January 2016
Evaluation Period	21 <sup>st</sup> January 2016 – 29th January 2016
Issue Tender	2 <sup>nd</sup> February 2016
Clarification Period	3 <sup>rd</sup> March 2016 – 25 <sup>th</sup> March 2016
Social Value Pilot Presentation	10 <sup>th</sup> February 2016
ITT Return Date	3 <sup>rd</sup> March 2016
ITT Evaluations	4 <sup>th</sup> March 2016 – 18 <sup>th</sup> March 2016
Delegated Contract Award	7 <sup>th</sup> April 2016
Mobilisation period (if applicable)	April - June 2016
Contract Start	1st July 2016

### **5.10 Service Delivery Management**

#### **5.10.1 Contract Management**

The contract will be managed by Acivico using the Council's Contract Management Toolkit with support from the Contract Management and Performance Team (CMAP) in Corporate Procurement Services as and when needed.

#### **5.10.2 Performance Monitoring**

Day to day performance of the contract will be measured through a set of key performance indicators (KPI's) using the Red, Amber and Green (RAG) rating system so as to align it with the Housing Repair and Maintenance contract. Each colour will be given a rating which will be used to determine the provider(s) performance. For instance:

The KPI's will include as a minimum for breakdowns:

- Overall lift availability of 95% (the 5% downtime also includes downtime for scheduled maintenance and repairs of lifts)
- Residents being informed of all planned repairs at least 24 hours in advance – 100%
- Response time to trappings (someone getting trapped in a lift) – ½ hour
- Response time to breakdown – if only 1 lift in building\* - 1 hour
- Response time to breakdown – if more than 1 lift in the building – 2 hours
- Scheduled services completed on time – 100%

\*In some high rise blocks there are two lifts that transport to alternate floors. Lifts in these buildings will be classed as one lift.

The performance measure for overall lift availability is currently 95%. Using the RAG rating system, this may look like:

<b>KPI</b>	<b>Red (equal to / less than)</b>	<b>Amber (between)</b>	<b>Green (equal to / greater than)</b>
Overall lift availability	94.9%	95% - 98%	98.1%

The RAG ratings are defined as follows:

- Red – The provider is penalised through loss of profit
- Amber – The provider is paid the contract price
- Green – The provider is paid a % above the contract price

The successful contractor(s) will be required to inform residents of planned repairs at least 24 hours before they are undertaken if the contractor is aware that this work is to be carried out in advance. This will allow them to make alternative arrangements particularly if there is only one lift in the building. If an emergency repair needs to be carried out and there is engineer and spare parts availability then no notice shall be given.

In terms of performance management on the current contract, Otis's performance is monitored on a daily basis through the Central Monitoring System (CMS). The CMS system is linked to the Electronic Monitoring Units (EMU) 'outstations located in each Housing Lift and some Non Housing lifts.

Acivico will use the CMS system to run monthly reports in respect of the successful provider's performance.

Some of the lifts in properties managed by Birmingham Property Services are not connected to the CMS system. These are manually monitored particularly those lifts in Central Administrative Buildings. For instance, if there is a trapping the lift user is instructed to press the alarm button. This then places a call to Otis's office. Outside of office hours, these calls are routed to Otis's Night Operations Team.

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

- 6.1 To do nothing – this is not an option as reliable lifts are required to ensure accessibility to, from and within Council buildings.
- 6.2 The alternative procurement options are detailed in 5.5.

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

- 7.1 To enable the Acting Strategic Director of Place to commence tendering activity for the repair and maintenance of lifts to Council buildings to include major refurbishments and new installations of lifts to existing buildings.

**Signatures****Date**

Jacqui Kennedy .....  
Acting Strategic Director of Place

Councillor Stewart Stacey .....  
Cabinet Member: Commissioning, Contracting and Improvement

**List of Background Documents used to compile this Report:**

1. Public Report - Tender Strategy for the Repair and Maintenance of Lifts to Council Buildings to include Major Refurbishments and Installations to existing buildings, F0222 – 16<sup>th</sup> December 2013

**List of Appendices accompanying this Report (if any):**

1. Equality Act 2010.  
2. Equalities Assessment Initial Screening

**V19.01****19.10.2015**



## **Appendix 1**

### **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"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
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"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(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;</li><li>(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.</li></ul>
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"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) age</li><li>(b) disability</li><li>(c) gender reassignment</li><li>(d) pregnancy and maternity</li><li>(e) race</li><li>(f) religion or belief</li><li>(g) sex</li><li>(h) sexual orientation</li></ul>

## Appendix 2

### INITIAL SCREENING – STAGE 1

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed has given due regard to equality and diversity.

Please complete the following questions to determine whether a Full EA is required.

<b>Name of policy, strategy or function:</b> Contract Strategy for the Repair and Maintenance of Lifts to Council buildings to include Major Refurbishment and Installation to existing buildings.	<b>Ref:</b> 490451/2013
--	-------------------------

<b>Responsible Officer:</b> Martin Tolley	<b>Role:</b> Integrated Service Head
<b>Directorate:</b>	<b>Assessment Date:</b> October 2013

<b>Is this a:</b>	Policy <input type="checkbox"/>	Strategy <input checked="" type="checkbox"/>	Function <input type="checkbox"/>	Service <input type="checkbox"/>
<b>Is this:</b>	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input type="checkbox"/>	Is Changing <input checked="" type="checkbox"/>	

#### 1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it?

Procurement to re-tender and award contracts for the repair and maintenance of lifts to include major refurbishments and new installations of lifts into existing buildings on behalf of the Council

Aggregating both the Housing and non-Housing contracts and the inclusion of major refurbishments, lift purchase and installation will provide efficiencies in officer time for tendering and also has the opportunity to deliver greater financial benefit in terms of price.

#### 2. Explain how the main aims of the policy, strategy, function or service will support the current Equality Duties? (Due to be replaced April 2011)

- |  |   |
|--|---|
| 1. Promote equality of opportunity? <input checked="" type="checkbox"/>  | 5. Promote positive attitudes towards disabled people? <input checked="" type="checkbox"/>    |
| 2. Eliminate discrimination? <input checked="" type="checkbox"/>         | 6. Encourage participation of disabled people? <input checked="" type="checkbox"/>            |
| 3. Eliminate harassment? <input checked="" type="checkbox"/>             | 7. Consider more favourable treatment of disabled people? <input checked="" type="checkbox"/> |
| 4. Promote good community relations? <input checked="" type="checkbox"/> |   |

The contract will enable the Council to meet both its equality obligations and its statutory duty with regard to scheduled maintenance of lifts. This will minimise downtime resulting from lift breakdowns thereby avoiding disruption to users and ensuring lift safety

Key priorities and measures required within this contract focus on the need to respond and adhere to the following performance measures:

- Attendance times, for instance response within 30 minutes for passengers trapped in a lift
- 4 weekly maintenance visits for passenger and goods lifts and 6 monthly for disabled platform lifts and hoists
- Maintaining lift availability at 95% (the 5% downtime also includes downtime for scheduled maintenance and repairs of lifts)

- Response time to breakdown - if only 1 lift in the building\*- 1 hour
- Response time to breakdown - if more than 1 lift in the building - 2 hours
- Scheduled services completed on time

\*In some high rise blocks there are 2 lifts that transport to alternate floors. Lifts in these buildings are classed as 1 lift.

The Council has a requirement to maintain its portfolio of housing and non-housing lifts to ensure that users of these lifts are kept safe from injury and harm.

The Council's lift portfolio is split as follows:

- There are 598 passenger lifts - 415 in Housing properties and the remaining 183 in other Council buildings.
- There are also 115 disability platform lifts which are mostly located in schools or academies and 24 hoists.

The Council also has a duty to ensure that employees, service users and the wider community has access to, from and freedom of movement within Council buildings.

There is a 5 year rolling programme of refurbishment works in existence. During 2014/15, 6 full replacement and 1 part refurbishment are planned to be undertaken. During 2015/16, 8 full replacements are planned to be undertaken.

There is a scoring system in place that determines which lifts are either fully replaced or part refurbished, such as:

- The age and availability of the equipment currently in use. Some lifts still in use are over 40 years old and replacement parts have now become unavailable due to obsolescence. The older and more obsolete the equipment, the higher the score.
- The greater number of breakdowns over the previous 12 months is also factored in. The higher the breakdown rate the higher the score.

All housing lifts and the majority of non-housing lifts meet the current equality requirements with regard to lighting levels, contrasting surfaces, tactile controls and voice announcements.

If the lifts would be temporarily taken out of service all communication with users should be in suitable formats for the visually impaired. Local knowledge and Northgate database will identify risk markers that are used to alert staff/operatives of customer needs e.g. language requirements or specific health needs that would need to be taken account of during maintenance or refurbishment.

The requirements of Standing Order 9 in respect of Equal Opportunities and the Common Standard for Council Contractors in respect of the 'Protected Characteristic' (e.g. Age, Gender, Ethnicity, Disability Gender Orientation, Religion/Belief etc.) will be incorporated into contract documentation.

**3. Does your policy, strategy, function or service affect:**

Service users	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Employees	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Wider community	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Please provide an explanation for your 'Yes' or 'No' answer**

In general people will be affected by this process in a positive manner as there will be a 5 year rolling programme of major refurbishment/replacement of lifts.

Further, within the scope of this document all steps have been taken to ensure we promote equality across services users, employees and the wider community covering the areas of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity or human rights.

**4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)**

Yes ☐ No ☒

**Please provide an explanation for your 'Yes' or 'No' answer**

It is not anticipated that any aspects of this proposal will directly or indirectly contribute to inequality on the grounds of age, disability, gender, gender reassignment, race, religion or belief, sexual orientation, marriage and civil partnership, pregnancy and maternity or human rights.

- Language line – is available as a translation service to inform customers of maintenance programmes where lifts will be temporarily taken out of service for any amount of time
- Equality adaptations will be carried out as part of the refurbishment works to any lifts which do not already have them. The range of work includes large keypads, lighting levels, contrasting surfaces, tactile controls and voice announcements.

**5. Will the policy, strategy, function or service, have an adverse (negative) impact upon the lives of people, including employees and service users?**

Yes ☐ No ☒

**Please provide an explanation for your 'Yes' or 'No' answer**

We will endeavour to meet our diverse Customers' lifestyle and commitments by taking into account such things as,

- Disability e.g. mental health issues, mobility, ability to use end products such as lift controls.
- Age related issues.
- Illnesses including long term chronic conditions during maintenance arrangements.
- Barriers to communications such as languages spoken, hearing impairments, reading or visually impaired.
- In order to minimise and where possible, eliminate adverse impact on our Customers, customer profile and property information is obtained and available on Northgate/Risk register and through local knowledge.
- We use the feedback from our Customer satisfaction forms, complaints handling, and general analysis to carry out reality checks to identify short falls in our service delivery to improve the level of services provided to our Customers.
- Negative Satisfaction forms are analysed by BCC and Partners. The Partners contact the dis-satisfied Customers to see why there was dissatisfaction with the work to remedy the issue and learn from the feedback.
- Complaints are logged on BCC's complaints database, Your Views.

## 6. Is an Equality Impact Needs Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA.

Does the Policy, Strategy, Function or Service require a Full Equality Impact Needs Assessment (EINA)? Yes ☐ No ☒

If a Full EINA is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA Contact Officer.

If a Full EINA is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA Contact Officer.

### DECLARATION

**A Full EINA is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.**

Chairperson: Martin Tolley

Summary statement:

Sign-off Date: October 2013

**Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:**

Name: (Officer/Group carrying out the Quality Check)  
Pat McWilliam

Date undertaken:  
4<sup>th</sup> October 2013

Screening review  
statement:

Directorate: Contact number:  
Local Services 0121 675 1108

### **EINA Task Group Members:**

	Name	Role on Task Group (e.g. service user, manager or service Specialist)	Contact Number
1.	Martin Tolley	Integrated Service Head	0121 303 3974
2.	Bob Gisevicius	Service Co-ordinator	0121 303 7911
3.	Ray Dudley	Client Manager Acivico	0121 303 7076
4.	Pat McWilliam	Senior Service Manager	0121 303 3974
5.	Brian Lancaster	Assistant Group Manager (Lifts) Acivico	0121 303 6480
6.	Nigel Blunt	Group Manager (Maintenance Engineer) Acivico	0121 303 7320

<b>Report to:</b>	<b>CABINET</b>	<i>Exempt information paragraph number – if private report:</i>
<b>Report of:</b>	<b>THE CHIEF EXECUTIVE</b>	
<b>Date of Decision:</b>	<b>17<sup>th</sup> NOVEMBER 2015</b>	
<b>SUBJECT:</b>	<b>2015/16 COUNCIL BUSINESS PLAN MEASURES – APRIL TO SEPTEMBER 2015 PERFORMANCE MONITORING</b>	
<b>Key Decision: Yes / No</b>	<b>No</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Deputy Leader /ALL</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>ALL</b>	
<b>Wards affected:</b>	<b>ALL</b>	

<b>1. Purpose of report:</b>
<p>To:</p> <p>1.1 Provide a summary of progress against our Council Business Plan (CBP) targets, and the Birmingham Promise measures, for the period April to September 2015 (unless otherwise stated).</p> <p>1.2 Seek Cabinet's approval to:</p> <ul style="list-style-type: none"> <li>i. Suspend corporate monitoring of progress against the Birmingham Promise Measures (BP) 'missed bins collected within 3 days of the missed bin being reported for the remainder of 2015/16, and 'blue badge renewal' notices sent out by post 10 weeks in advance of the expiry date (section 5.1), and</li> <li>ii. Better align the children's services measures in the 2016/17 CBP measure set to those included in the Children's Improvement Plan for Early Help and Social Care, and the Education Improvement Plan (see section 5.4).</li> </ul>

<b>2. Decision(s) recommended:</b>
<p>That Cabinet:</p> <p>2.1 Note the progress to date and the issues requiring attention.</p> <p>2.2 Approve:</p> <ul style="list-style-type: none"> <li>i. The suspension of the BP measures identified in section 5.1;</li> <li>ii. The better alignment of the children's services measures described in section 5.4.</li> </ul>

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<b>3. Consultation</b>
<p>3.1 <u>Internal</u></p> <p>Cabinet Members, Strategic Directors and directorate staff have been involved in discussions around the performance against the targets of the Council Business Plan and Birmingham Promise measures contained in this report. Otherwise this paper is a factual report on progress and therefore, no other consultation has been required.</p> <p>3.2 <u>External</u></p> <p>No external consultation required.</p>
<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>This report shows whether strategic and operational outcomes and policy priorities are on track, and it shows our targets for 2015/16 for tracking our further progress against our strategic outcomes and policy priorities.</p> <p>4.2 <u>Financial Implications.</u></p> <p>The Council Business Plan forms a key part of the budgeting and service planning process for the City Council that takes account of existing finances and resources and sets out the key strategic and operational outcomes that the City Council wish to achieve. Any decisions highlighted will be carried out within existing finances and resources unless otherwise stated.</p> <p>4.3 <u>Legal Implications</u></p> <p>Not applicable.</p> <p>4.4 <u>Public Sector Equality Duty. (see separate guidance note)</u></p> <p>The Council Business Plan (CBP) Measures, and Birmingham Promise, are designed to ensure significant improvement in service quality and outcomes for the people of Birmingham – some have a particular focus on disadvantaged groups. Non-achievement may have a negative impact on external assessments of the City Council and could put relevant funding opportunities at risk.</p>

## 5. Relevant background/chronology of key events:

### 5.1 Birmingham Promise Measures

At the start of this year, we introduced **The Birmingham Promise**; a set of specific standards that our citizens could expect in relation to the seven most frequently requested services in the council. We agreed to monitor and measure how well we perform against these promises and that we would report on progress against achieving them every three months.

For the Birmingham Promise, **missed bins collected within 3 days of the missed bin being reported**, Cabinet is asked to approve the suspension of monitoring against this measure, to allow time for our reporting system to be aligned to the promise and process improvement to be put in place.

In addition, in relation to our promise to send out **blue badge renewal notices by post 10 weeks in advance of the expiry date**, the system for sending out renewal notices is operated by a third party on behalf of central government and we only receive notifications if a renewal notice has not been sent. Whilst we could assume that as no notifications have been received then we have fully met our promise, we cannot be absolutely sure as we do not have sight of the data. To date we have not been in a position to confirm a robust result as we are not in control of the system that provides this data. Therefore, following discussions at the last Performance Star Chamber meeting in September, it was agreed that this Promise be proposed for exclusion from future updates for the remainder of this financial year.

For the remaining 15 Promises, **87% (13) performed well (achieving 97% or above) with 7 (54%) of these being fully upheld**. Compared to the previous quarter (April to June 2015), all Promises either maintained or improved performance.

Some of the Birmingham Promise measures are contracted services and have contractual targets and penalties for non-compliance attached to them. These contractual targets usually allow for minimal service failures as it is accepted that human/technical errors etc. happen – this is normal commercial practice. In these instances it is difficult for the Council to insist on providers upholding the promises in all cases and it introduces confusion for service users (i.e. as there are 2 targets, a Birmingham Promise and a contractual target). Learning from this and in reviewing the Birmingham Promise for 2016/17 we will propose that where any promises are contractual we will aim to fully uphold the contractual target.

### 5.2 Council Business Plan Measures (CBP) Summary

The CBP measures, for 2015/16, reflect the key performance measures for the City Council for this financial year (unless otherwise stated), and include our key targets/forecasts for measuring success against our strategic priorities.

Overall, strategic performance analysis is made up of 30 key performance indicators, of which, results were **available for 25 measures. Of these, 56% (14) have either met, exceeded, or, are within acceptable tolerance levels of their target**. Overall, whilst performance is 8% behind that achieved at the same point last year (64%), we are still 4% above last quarter and are 16% above the 2014/15 year-end result.

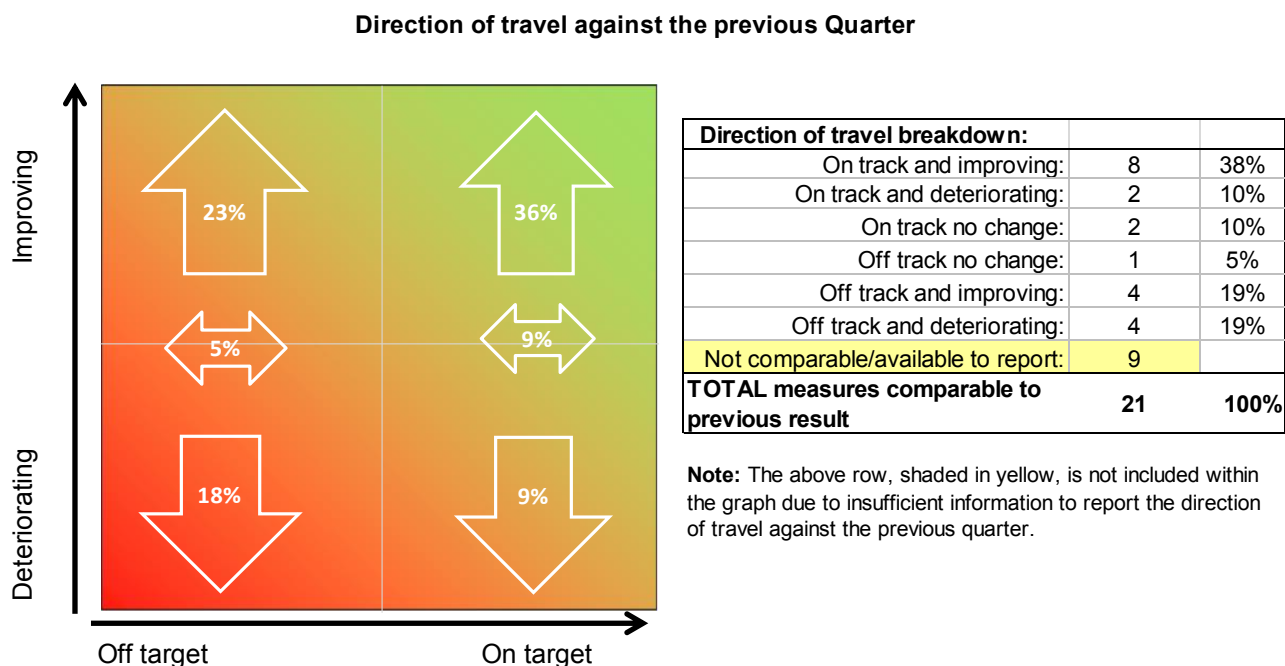
Furthermore, if we remove the 8 Children's Services measures – our most challenging area



for improving performance - we can see that for our remaining service areas 65% were on track (11 of 17 measures).

Paragraph 5.2.3 details those measures where results were not available at the time of reporting.

For 21 of the 25 available measures, we are able to provide a direction of travel against the previous quarter. Of these, for 15 (71%), performance had either improved or stayed the same when compared to last quarter:



The table below provides our performance position against our primary goals and outcomes:

Primary Goals and Outcomes	Number of Results Available	% Targets Available on Track/ Better
<b>A Fair City</b> - Safety, Health and Wellbeing; Children, Young People and Families; Tackling Poverty.	13	6 (46%)
<b>A Prosperous City</b> • Learning Skills and Local Employment; Enterprise; Infrastructure, Development and Smart; Green and Sustainable; Regional Capital and Reputation.	9	6 (67%)
<b>A Democratic City</b> • Engagement, Influence and Contribution; a New Model of City Government; Modern Services that Service our Citizens.	3	2 (67%)
	25	14 (56%)

**5.2.1** Our most significant areas of concern, in relation to our Council Business Plan targets, are presented below, in the wider context for each directorate alongside other significant

successes in the year.

### **Council-wide and Economy Directorate Performance**

The Council continues to operate in a tough fiscally challenged environment (locally and nationally), with some of our poorest and most vulnerable citizens continuing to be adversely affected by the Welfare Reforms and the cessation of key Government funding streams.

Our work in prioritising and determining fundamentally different ways for the Council to deliver services from 2016/17 onwards is on-track to move into delivery phase in the new year. This includes new ways of working internally, with partners and on a sub-regional basis, utilising more cost effective/ innovative delivery models and seeking out funding opportunities. These changes will support the whole council in minimising demands on services, whilst maximising the use of our resources in the most sustainable way. The outcomes of this work will be reflected in the budget process and Long Term Financial Plan.

The approach being taken around budget setting, as part of the Future Council Programme, has been scrutinised by the Birmingham Independent Improvement Panel. Their assessment is that the approach is sound and wider engagement on the emerging themes and likely policy shifts starts this month. This will lead to the formal budget consultation in December.

By the end of this second quarter of 2015/16 (i.e. for April to September) we've managed to achieve, or get close to many of our targets. The most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 2 to 6):

#### **Where we need to do better**

- **Council-wide average sick days per full time equivalent employee (fte).** The average number of sick days per employee reduced marginally in the quarter to 10.24 days (from 10.37days). Although the reduction is a move in the right direction, the year-to-date figure is 0.55 days worse than last year.

All directorates have had an increase in absence year-on-year, with the People Directorate having the highest absence rate at 11.33 days. Human Resources (HR) Business Partners are doing further analysis to identify any particular trends and areas where performance is the most concerning.

Since the previous quarter significant effort has been put into reducing absence rates through attendance panels and closer management attention. Experience has clearly shown that consistent, regular and timely management attention is the most effective way of reducing absence. Corporate HR are now providing increased support to managers through attendance panels, communications on health and well-being alongside earlier focused intervention from Occupational Health.

The roles and responsibilities of managers are being redefined as part of the cultural change within Future Council and the critical responsibility for managing absence is a key component of the work. Corporate HR recognises it has a crucial role to play in providing tools, support and training for managers to support them in this work.

Although the increased focus on absence has begun to show in minor improvements to the absence rates, this has to be embedded into every day managerial practice. Failure to do this will lead to a loss of attention and the very real risk that the downward trend will be reversed.

### **Where we are performing well:**

- **Council-wide complaints with a full response in 15 working days** with performance, at 97%, being 7% above target and 10% better than at this time last year. Both Economy and Place directorates have performed well and although performance in People directorate is not as good, and performance hotspots are still being tackled, it has improved by 10% compared to last month.
- **Jobs created as a result of public sector interventions:** With an additional 873 jobs created between July and September, the year-to-date total of 1,322 jobs now exceeds target by 361.

### **Directorate for People Performance**

#### **Children's Services**

We set out to significantly improve children's services over three years beginning April 2014, so we are still only halfway towards this goal. Also, in April Cabinet approved the Improvement Plan for Early Help and Children's Social Care 2015-17, setting out what we will do and what we aim to achieve over the next two years for children and families in Birmingham. This plan reflects our new vision and purpose for children's services and focuses on how we will support social workers to deliver more direct social work with families to bring about positive change for children. Likewise, we are only a quarter of the way through delivering this plan.

The **measures considered by the Quartet** indicate positive improvement (**see Appendix B**), but, concerns about practice and workflow remain. The main areas of concern are: timescales for family assessments; children not seen at Section 47/ Children in Need assessments; infrequent visit patterns to some children on child protection plans and assessment team caseloads. In addition, we are overhauling our Special Guardianship Order (SGO) Policy and processes, and improving our internal fostering and adoption service.

We had an **Ofsted improvement visit** on 16 and 17 September to look at our assessment teams. The report confirmed variability in practice and informed how we need to improve, which will be added to by the diagnostic work just begun with Essex Children's Services and the need to build stronger assessment teams in Areas.

The Department for Education (DfE) has agreed Essex Children's Services will be our **Improvement Partner** for a period of 12 months in order to support us on our improvement journey. A programme until July 2016 has been agreed with the DfE.

#### **Education**

We are moving to the new landscape of working with schools in the Birmingham Education Partnership and making steady progress on our education improvement plan.

#### **Adult Services**

We continue to respond to issues arising from the implementation of the Care Act. We've had some success in responding to the challenges of the Better Care Fund initiative,

where despite most hospitals experiencing ongoing increases in older adult accident and all-ages emergency admissions, levels of delayed transfer of care are now on target.

Consultation on how commissioning can develop to support the delivery of the Future Council programme is ongoing. However, our aspiration to take our performance in younger adult care into the top 5% in the country by the end of 2016/17 is now subject to review to incorporate re-provisioning of care packages for Adults too (see below).

Within this context the most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 7 to 15):

**Where we need to do better:**

- **The percentage of drug users who were in full time employment for 10 working days following treatment, or upon discharge of treatment.** Latest results, reported a quarter in arrears (i.e. for the period April to June 2015), show that at 26.1%, we missed our target (30%) by 3.9%. Whilst this dip in performance was expected as the new provider settled in, the Provider is fairly confident that the 30% target will be achieved by year-end (March 2016).
- At September, we had **moved another 4 younger adults from residential care into community settings**, bringing the year-to-date total to 11, against a target of 38. Whilst this is behind target, an additional 148 clients had their service package reduced, with savings for 2015/16 estimated to be £2,940,957. As stated above, this programme to take younger adult care into the top 5% in the country by the end of 2016/17 is now subject to review. Any proposed change to the target will be subject to Cabinet approval.
- **56 children's unallocated family assessments were open for more than 7 days.** Plans are in place to address the underperformance hotspot in the North West Central area of the city. There are now very few unallocated assessments - so, improvement is expected very soon.

In relation to those measures that relate to the child's journey, the implementation of the Multi Agency Safeguarding Hub saw a substantial increased level of demand that affected all aspects of the system. Safely managing service demands in a more sustainable system remains a high priority for our partnership. The following indicators were affected by increased demand levels.

- **Care leavers who are in education, employment or training at age 19** which, although at 50% is below target by 10%. Work continues to develop more apprenticeship schemes across the Council and with our partners, and it is hoped that this will help secure further improvement as we continue through this year.
- **The length of time taken to recruit adopters, from the initial enquiry to approval by the panel** remains as per last quarter, at 35 weeks, 9 weeks above our target. As reported last quarter, significant improvements are expected in the longer period of time, after the service has been overhauled and Government funding for adoptive placements from other authorities is maximised.
- **The average length of time taken, from admission to care, to be being placed for adoption** at 644 is over target by 97 days. As above, improvement is expected

in the longer term, allowing time for the new programme to embed and speed up matching children on placement orders with adopters. However, we are increasing the number of adoption placements being made. There were 95 children placed in 2013-14 and 120 children in 2014-15. The adoption service statistical information issued September 2015 shows that 77 children were placed in the first half of this year. Therefore, the trajectory is that the number of children being placed for adoption is rising. It should also be noted that only one adoptive placement broke down last year – indicating that children in our care are being placed with the right families, despite longer timescales for placements.

- **Education, Care and Health Plans issued within 20 weeks** at 56%, has improved by 15% compared to the previous quarter, and, as a result of improved capacity, monitoring and management of cases, our backlog is reducing.
- **Children becoming the subject of a child protection plan for a second or subsequent time** has improved by 1% to 19% when compared to last quarter, demonstrating that our work with our improvement partner Essex Children's Services, is having a positive effect. Whilst the result is the same as at September 2014, we are now close to our target range of 13-18%.

#### **Where we are performing well:**

- **The percentage of completed adult safeguarding cases audited that were judged as 'good'**, which at 90.4% is up 0.9% from the previous quarter, exceeding target by 5.4% and up 10.3% compared to September 2014. Over the last six months we've filled all vacant safeguarding positions and have reinforced manager's responsibilities for ensuring staff carryout and record their safeguarding duties properly.

#### **Place performance**

The final phase of the wheelie bin roll out will commence at Lifford Lane on 16<sup>th</sup> November resulting in the programme being on schedule to be fully completed by December 2015. The benefits of introducing a wheelie bin system are starting to show positive results. This year has seen an increase in sales of green waste recycling bins (increasing from 50,000 in 2014 to 59,000 in 2015) and where wheelie bins have been introduced to date, an increase in recycling rates (Montague Street, an increase of 23.50% in kerbside multi materials and 17.22% in kerbside paper collections; Redfern Road, an increase of 36.02% and 4.07% respectively and Perry Barr\*an increase of 19.42% and 9.17% respectively (\*Perry Barr has only just started to stabilise following the roll out onto wheelie bins and so their impact is still unfolding)).

For our Housing services, a report is due to be presented to Cabinet in November with the recommendation for the proposed contract awards for the provision of Responsive Repairs & Maintenance Services, Gas Servicing, Capital Improvement Work Programmes including Major Adaptions to Council Housing Stock in the North, South, West-Central, and East areas of Birmingham. The contracts have been procured for an initial term of four years, with the option to extend for up to two periods of two years, subject to satisfactory performance against prescribed Key Performance Indicators. The contracts will commence on the 1<sup>st</sup> April 2016 with an estimated value in the region of £440m for the first four years of the contract and does not guarantee or will not commit the Council to any particular level of spend.

A programme of service improvements is also ongoing across Housing services.

Following a consultative ballot in July 2015 which voted in favour of a town council, the Council's all-party Community Governance Review Group agreed to recommend the creation of Sutton Coldfield Parish Council, the first step towards creating a Sutton Coldfield Town Council. This was passed at full Council in September. A steering group has been set up to start planning for the new parish council; this will culminate in elections taking place to Sutton Coldfield Parish Council in May 2016.

The implementation of the Sport and Leisure services transformation programme has seen the establishment of the new partnership with Serco. The North and South Contracts were awarded to Serco Leisure following Cabinet approval in March 2015. Mobilisation was successfully completed and contracts commenced on 1<sup>st</sup> June 2015 under temporary management services agreement until Admitted Body Status (ABS) of the West Midlands Pension Scheme is granted. Once ABS is in place the temporary management services agreement will drop out and the main Leisure Management Agreement will step in and staff will transfer under TUPE. This is currently expected to take place at the beginning of December. The award of these two contracts combined realises a saving of £17.2m over 15 years when compared to the current BCC operational costs of running the facilities over the same period. In addition, approximately £40m of capital investment is included within the contracts, including 5 major refurbishments and 4 new builds (3 replacement facilities and 1 brand new facility).

Within this context the most significant areas where we need to do better and where we've had notable success are detailed below and in Appendix A (pages 16 to 19):

#### **Where we need to do better**

- The estimated result for the percentage of **household waste that was reused, recycled and composted** was 31%, and whilst behind target by 7%, it is closer to the profiled target than last quarter (which was 9% below profiled target) and for September 2014 (8% below). Benefits of introducing wheelie bins are now starting to be realised with increases being seen in both kerbside multi materials and paper collections and the 130% increase in composting bins suggests efforts to encourage residents to compost their garden waste at home are working. To address increases in the cost of recycling wood Veolia are undertaking a market testing exercise to find a financially viable solution for next year.
- The percentage of **municipal waste that we send to landfill**, estimated at 11%, is below target by 3% and unfortunately is below that achieved both last quarter and in September 2014. Last quarter, we reported on the problems encountered with the Energy from Waste generator and confirmed that costs incurred as a result were the contractual responsibility of Veolia. Veolia are now working hard to keep waste landfill to a minimum and proposals for managing additional landfill costs are being considered.

#### **Where we are performing well:**

- During this second quarter, 109 **empty properties were brought back into use** bringing the year-to-date total (April to September) to 210, exceeding the 150 target by 60.

#### **5.2.2 Summary of other notable achievements**

- After much anticipation Birmingham's new premium shopping and dining destination,

**Grand Central**, home to over 60 shops including one of the largest John Lewis department stores in the UK, **opened on 24th September**. Officers from a range of departments within the Economy Directorate have been involved with Grand Central over a number of years, dealing with key elements such as property, legal and financial matters, as well as marketing and communications.

Our Employment & Skills Service (ESS) Team helped coordinate a campaign targeting areas of high unemployment, **helping almost 450 unemployed Birmingham residents into work** at our spectacular Grand Central development.

The £150 million shopping centre **created 1,000 new full-time jobs in total**. Through the efforts of ESS with its partners Department for Work & Pensions and National Careers Service many of those jobs went to people from Birmingham's high unemployment priority wards, and statistics showed that **almost 40 per cent of the new posts that went to the unemployed were taken by 16-24 year olds**.

The **Birmingham Growth Alliance Partnership (BGAP)**, comprising Birmingham City Council, Solihull Metropolitan Borough Council, John Lewis, Network Rail, Retail Birmingham, Skills Funding Agency, DWP, National Apprenticeship Service, National Careers Service, created a Talent Pool for the Grand Central project delivering a two-week training programme to unemployed individuals that required upskilling in retail or hospitality and catering.

The SMILE element of the training strongly focussed on delivering excellent customer service and selling Birmingham as a whole as a tourist destination - over 150 taxi drivers also received the SMILE training so that customers and visitors to Birmingham would experience the wow-factor customer experience from the pick-up point from New Street station.

ESS and its partners got involved right from the start at construction phase, **helping 290 unemployed Birmingham residents into employment and 116 Apprentices on site – exceeding the 100 Apprentices on site target**.

- Our **2014/15 Accounts** were approved at Audit Committee on 29 September. The External Auditor reported to Audit Committee that: "It is pleasing to report that this is the second year that the accounts have been delivered on time and we are grateful to the Financial Accounts Team for their hard work and support throughout the audit."
- We achieved **three awards, from the Centre for Public Scrutiny**, for two of our Scrutiny Office reports: Winners of the Involvement Award for our inquiry into dementia services; and 2 awards for Raising the Profile in Birmingham.
- Legal Services maintained their **Law Society Lexcel Practice Management and ISO Quality Management System accreditations** for the 11<sup>th</sup> consecutive year.
- Perry Hall Playing Fields and Victoria Common in Northfield recognising high standards and excellent facilities.
- **10 of our children in care received a Creative Skills award** for their help in designing 'Starlight', one of the owls created as part of the city's Big Hoot event.
- We were successful in being awarded **200,000 Euros from European Horizon 2020 Big Data fund** to take part in a case study in a partnership led by Sheffield University

which includes other European Cities and technology firms, for improving mobility using Big Data. The project aims are to gather huge volumes of data that record mobility within the city and use cutting edge Big Data computer science techniques to experiment and design ways in which the city can improve mobility for people.

### **5.2.3 Results that are not yet available:**

The latest results for the following indicators are dependent on updates from external sources, are reported in arrears and will, therefore, be made available when the Quarter Three Performance Monitoring Report is presented to Cabinet in March 2016:

- Number of affordable homes that were built – results are half-yearly and reliant upon the Homes and Communities Agency release, which is not due until later in December 2015.
- Percentage increase in care home providers rated as moderate or good using the provider quality framework – due to a data lag, results are not available until a minimum of 6 weeks after the quarter end and so are expected in November 2015. This measure was on target in the first quarter.
- Percentage of fCAF's where the needs identified and desired outcomes for child and family are achieved. Due to problems with changing to a new system that merges with Carefirst, we are currently unable to provide a full result for this indicator. We are now investigating ways of providing the data required before the year-end and will update Cabinet on progress in our next monitoring report.
- Percentage of land highways with unacceptable levels of litter or graffiti – results are reliant on the outcome of a survey and are reported 3 times per year. The first result (for period April to July) was reported in June as part of the April to June Performance Monitoring Report. The next result will be for the period August to November, and will be reported as soon as it becomes available.

The attached Performance Monitoring Exception Report (Appendix A) gives a more detailed breakdown of performance, focusing on where we were well 'ahead of', or have 'missed', our target. Commentary is also provided which summarises any remedial actions taken or planned, to bring performance on track. The four symbol style for monitoring progress reflects the 'as at position' against targets. A 'Star' means performance was significantly exceeding the target, the 'Tick' indicates performance was on, or above target (but not significantly above), the 'Circle' shows performance was below target, but, within an acceptable tolerance level, and, the 'Triangle' tells us that performance is off target and worse than agreed tolerances. This style of reporting will enable services to better manage measures at lower risk and Members to focus on those areas that require particular attention.

### **5.3 General**

Once approved by Cabinet, information of progress against all targets in this report will be published on the Council website: [www.birmingham.gov.uk/performance](http://www.birmingham.gov.uk/performance) in line with previous practice.

### **5.4 Proposal for the 2016/17 CBP measure set for children's services to be aligned to those in the Children's Improvement Plan for Early Help and Social Care, and the Educational Improvement Plan**

This year we have three key sets of measures for Children's services: the 2016/17 CBP measure set (as included in Appendix A), and, those reported to the Improvement Quartet (see Appendix B). This has the potential to confuse where monitoring highlights different issues/direction of travel within any set, and this may deflect critical attention



away from our priorities for improvement.

We are seeking Cabinet approval for one aligned set of priority children's measures for 2016/17 to help secure focus and resources on the highest priority areas, as agreed with the Improvement Quartet.

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

This report provides progress against the council's strategic outcomes, and, the measures in place to achieve those strategic outcomes. If this report was not provided, Cabinet, in its entirety, would not have an overview of progress against the key Council Business Plan measures, or actions being taken to bring performance back on track. Nor would cabinet have an update on the Birmingham Promises made to our citizens.

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

To advise Members of progress against outcomes, including, any actions being taken, or planned, to bring performance on track.

**Signatures**

**Date**

Cabinet Member: .....

Chief Officer: .....

**List of Background Documents used to compile this Report:**

- 2015/16 Council Business Plan Measures – April to June 2015 Performance Monitoring
- Quarterly Performance Monitoring Report – April 2014 to March 2015

**List of Appendices accompanying this Report (if any):**

1. **Appendix A – Performance Monitoring – April to September 2015 Exception Report**
2. **Appendix B – Quartet Measures**

<b>Report Version</b>		<b>Dated</b>	
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## **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"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
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"> <li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>(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;</li> <li>(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.</li> </ul>
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"> <li>(a) tackle prejudice, and</li> <li>(b) Promote understanding.</li> </ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> <li>(a) age</li> <li>(b) disability</li> <li>(c) gender reassignment</li> <li>(d) pregnancy and maternity</li> <li>(e) race</li> <li>(f) religion or belief</li> <li>(g) sex</li> <li>(h) sexual orientation</li> </ul>





## **Appendix A**

### **Performance Monitoring - April to September 2015 Exception Report**





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## Council Wide

Total by measure status							
	1		0		1		1

### Key

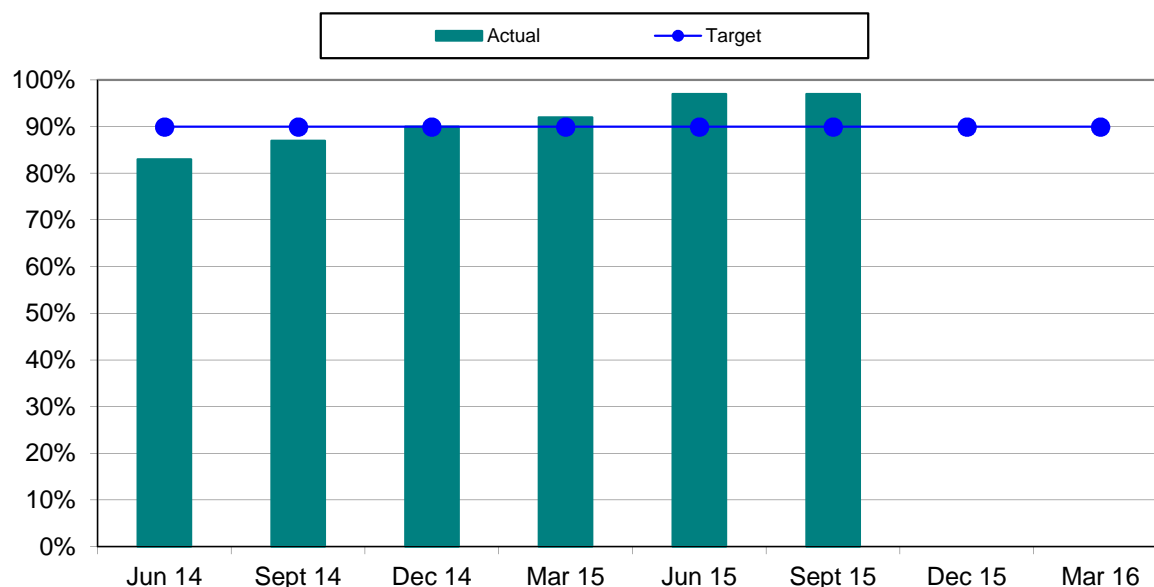
	: Target exceeded/ahead of schedule
	: Performance on track
	: Off target, but, within acceptable tolerance
	: Target below tolerance/behind schedule

One of the available measures within this Directorate is performing as expected, or, is within acceptable tolerance levels.

The following pages detail the one measure where we have performed particularly well (i.e. where we have exceeded our target), and, the one measure that requires special management and Member attention (i.e. where we have not met our target).

## Complaints with full response in 15 working days - city-wide performance

**Bigger is better**



Historical data reported for this measure is asynchronously changed as further updates become available

	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	83%	87%	90%	92%	97%	97%		
Target	90%	90%	90%	90%	90%	90%	90%	90%
Performance	▲	●	✓	✓	★	★		

### Commentary

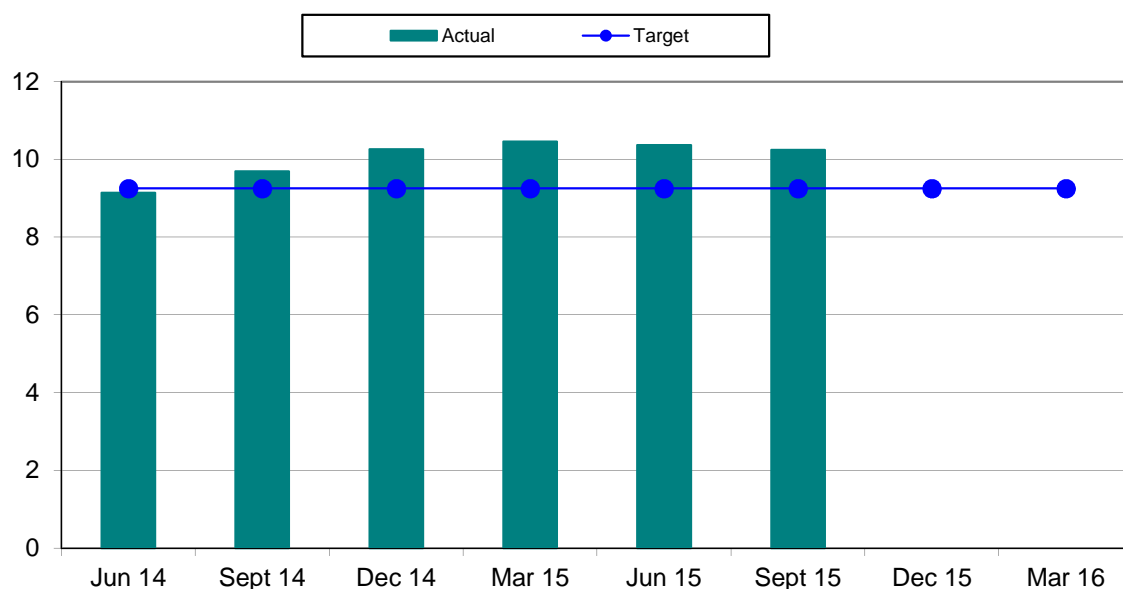
In Quarter 2 (July to September), performance for responding to complaints within 15 working days increased to 98% compared to the 97% achieved for Quarter 1 (April to June). Year-to-date, performance for responding to complaints within 15 working days remains at 97%. For September performance decreased 1% compared to August but, at 97% is still well above the 90% target. A total of 8,456 complaints have been received year-to-date. Economy Directorate achieved a 97% response rate against a total of 1,287 complaints received, Place Directorate 98% against 6,991 complaints and People Directorate 80% against 178 complaints.

The under performance in the People Directorate continues but it should be noted that it has improved by 10 percentage points compared to August. The under performance within the People Directorate remains due to poor response rates within Assessment and Support Planning and Housing Services.

## Average sick days per full-time equivalent employee (excluding schools staff)

The number of working days lost due to sickness, per full time equivalent member of staff

**Smaller is better**



Number of days per full time equivalent

	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	9.14	9.69	10.26	10.46	10.37	10.24		
Target	9.25	9.25	9.25	9.25	9.25	9.25	9.25	9.25
Performance	✓	▲	▲	▲	▲	▲		

### Commentary

The average number of sick days per employees reduced marginally in the quarter to 10.24 days from 10.37. Although the reduction is a move in the right direction, the year to date figure is 0.55 days worse than last year.

All directorates have an increase in absence year on year, with the People Directorate having highest absence rate at 11.33 days. HR business partners are doing further analysis to identify any particular trends and areas where the performance is the most concerning.

Since the previous quarter significant effort has been put into reducing the absence rates through attendance panels and closer management attention. Experience has clearly shown that consistent, regular and timely management attention is the most effective way of reducing absence. HR are now providing increased support to managers through attendance panels, communications on health and well-being alongside earlier focused intervention from Occupational Health.

The role and responsibilities of managers is being redefined as part of the cultural change within Future Council and the critical responsibility for managing absence is a key component of the work. HR recognises it has a crucial role to play in providing tools, support and training for managers to support them in this work.

Although the increased focus on absence has begun to show in minor improvements to the absence rates, this has to be embedded into every day managerial practice. Failure to do this will lead to a loss of attention and the very real risk that the downward trend will be reversed.

## Economy Directorate

Total by measure status							
★	1	✓	2	●	0	▲	0

### Key

★	: Target exceeded/ahead of schedule
✓	: Performance on track
●	: Off target, but, within acceptable tolerance
▲	: Target below tolerance/behind schedule

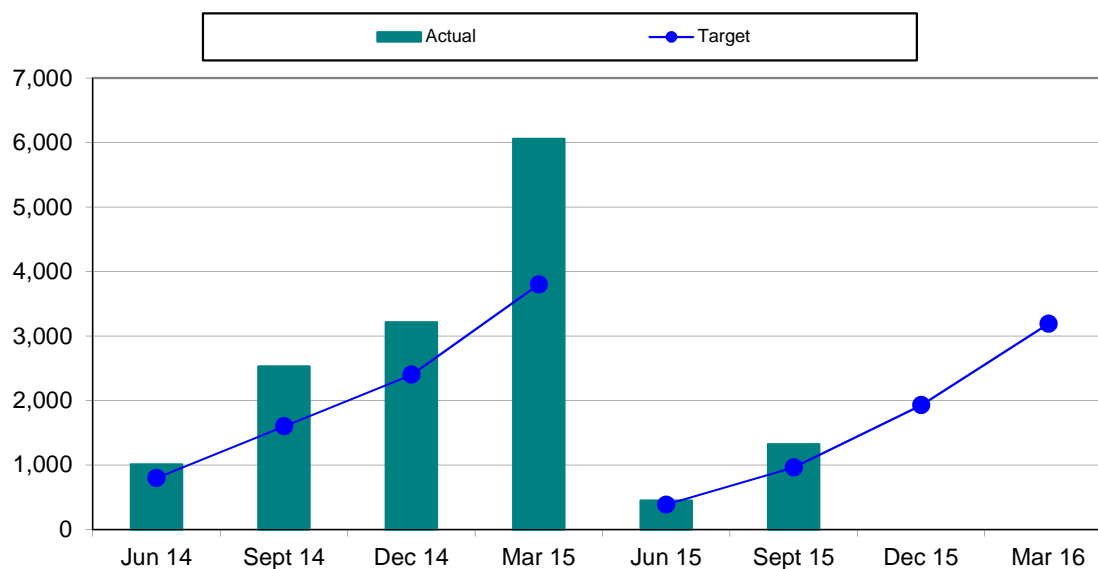
Two of the available measures within this Directorate are performing as expected.

The following page details the one measure which has performed particularly well (i.e where we have exceeded our target).



## Jobs created as a result of public sector interventions

Bigger is better







	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	1,009	2,531	3,216	6,058	449	1,322		
Target	800	1,600	2,400	3,800	388	961	1,928	3,191
Performance	★	★	★	★	★	★		

### Commentary





873 jobs were created in July to September 2015. These were mainly from Employment Support and Business Support programmes, the Enterprise Zone and Energy Savers project.

There were also an additional 59 jobs created in the previous quarter that were not available at time of reporting and are now included in the 449 result for April to June 2015.

## Directorate for People

Total by measure status							
	1		3		3		8

### Key

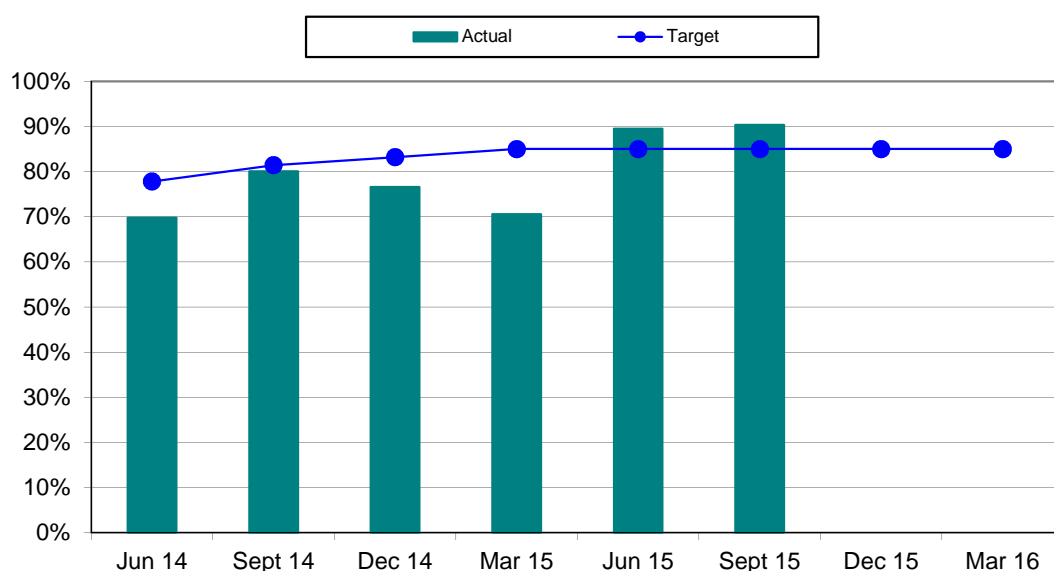
	: Target exceeded/ahead of schedule
	: Performance on track
	: Off target, but, within acceptable tolerance
	: Target below tolerance/behind schedule

Six of the available measures within this Directorate are performing as expected, or, are within acceptable tolerance levels.

The following pages detail the one measure where we have performed particularly well (i.e. where we have exceeded our target), and, the eight measures that require special management and Member attention (i.e. where we have not met our target).

## Percentage of completed Adult safeguarding cases audited judged 'good' - to ensure quality of safeguarding practice.

Bigger is better



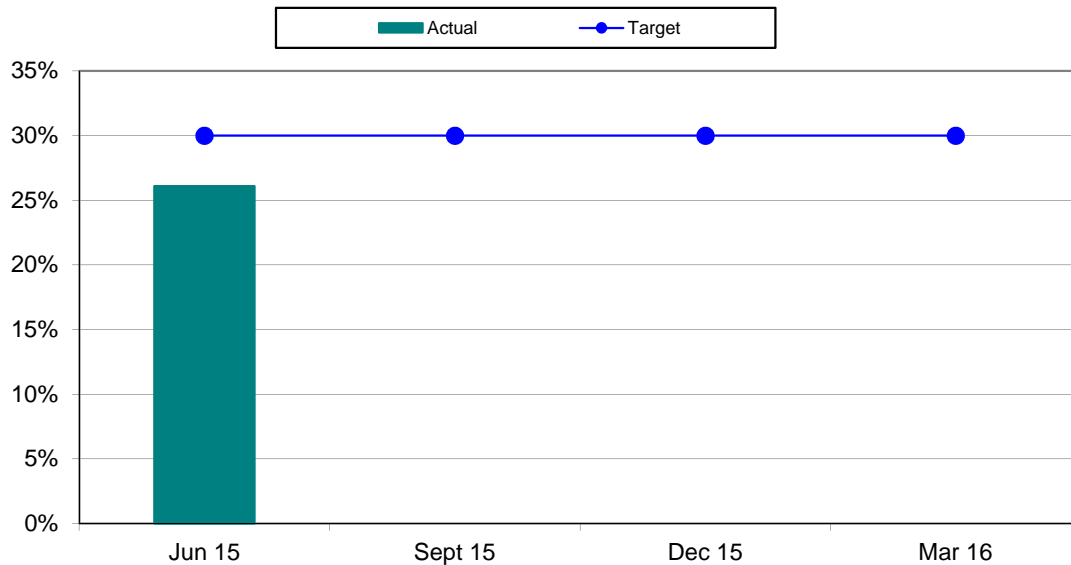
	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	69.8%	80.1%	76.6%	70.6%	89.5%	90.4%		
Target	77.8%	81.4%	83.2%	85.0%	85.0%	85.0%	85.0%	85.0%
Performance	▲	●	▲	▲	✓	★		

### Commentary

The proportion of Safeguarding Audits judged as 'good' for the period July to September was 90.4%, an improvement compared to the result of 89.5% for the period April to June . Both periods exceeded the target of 85%, representing a significant improvement from the end of year result of 70.6%. Work has been undertaken over the last half year to identify and address issues impacting on the audit performance, including clarifying the role of managers in ensuring that staff carry out and record their Safeguarding cases appropriately. All Safeguarding Officer roles have now been filled, and the team is working with managers and practitioners to better understand any poor audit outcomes.

## Percentage of drug users who are in full time employment for 10 working days following treatment, or upon discharge of treatment.

Bigger is better



New measure for 2015/16. Previous measure reported was based on numerical performance.

National Indicator reported a quarter in arrears.

	Jun 15	Sept 15	Dec 15	Mar 16
Actual	26.1%			
Target	30%	30%	30%	30%
Performance	▲			

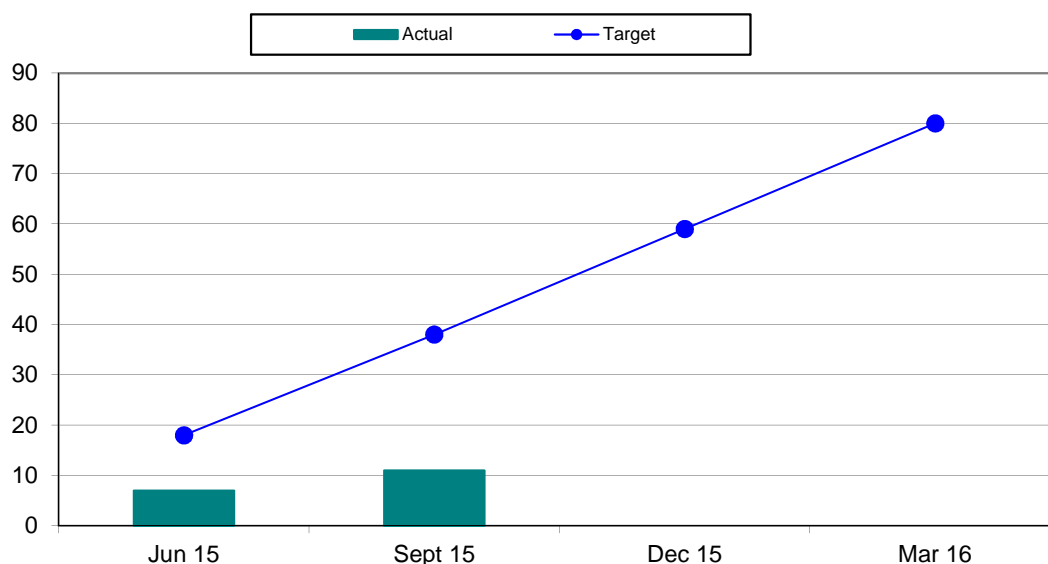
### Commentary

The results of this measure are always received with a time lag as we and other authorities rely on the National Treatment Agency (NTA) providing validated data and information.

The first quarter April to June results are now available. The outturn shows that 26.1% of patients exiting treatment maintained employment against a contractual target of 30%. Employment maintenance is expected to be lower than target over the next two quarters as the new provider 'beds' in.' However the provider is expected to achieve the 30% target by year end.

## Moving younger adults from residential care into community settings

### Bigger is better



Revised target for 2015/16 - baseline has been re-established and programme re-scoped

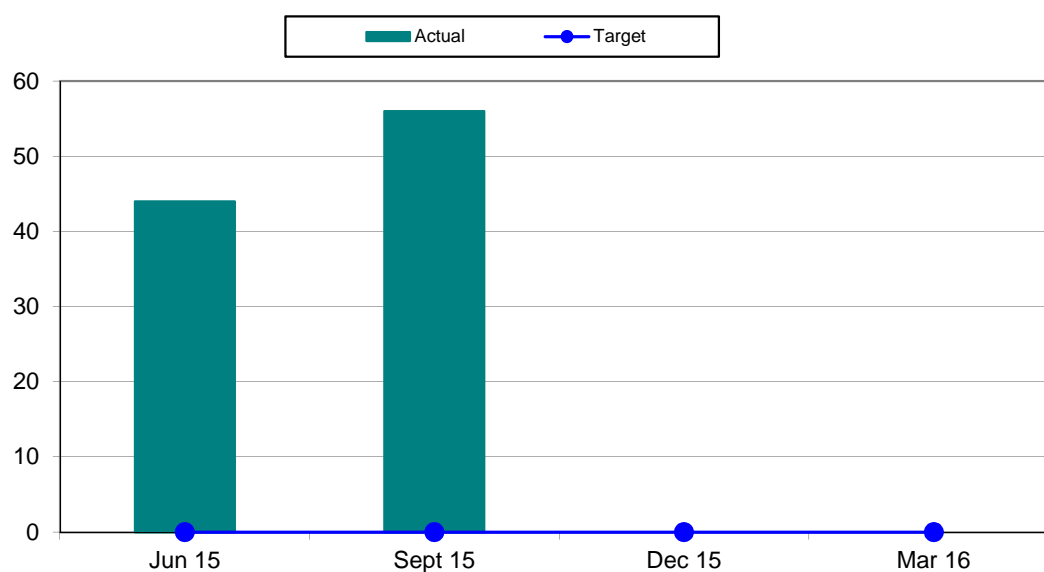
	Jun 15	Sept 15	Dec 15	Mar 16
Actual	7	11		
Target	18	38	59	80
Performance	▲	▲		

### Commentary

"Younger Adults Re-provisioning has moved 11 clients from Residential to Community services so far this year, with 4 additional clients in September. An additional 148 clients had their service package reduced (72 Residential packages and 74 Community packages). The estimated full year effect of all of these savings for 2015-16 is £2,940,957. Work is underway to re-calibrate targets in this area both in terms of activity and financial targets. This will take a broader view to achieving re-provisioning targets across all client groups".

## Unallocated single assessments open for more than 7 days

Smaller is better



New Council Business Plan Measure for 2015/16 and is a key safeguarding measure

	Jun 15	Sept 15	Dec 15	Mar 16
Actual	44	56		
Target	0	0	0	0
Performance	▲	▲		

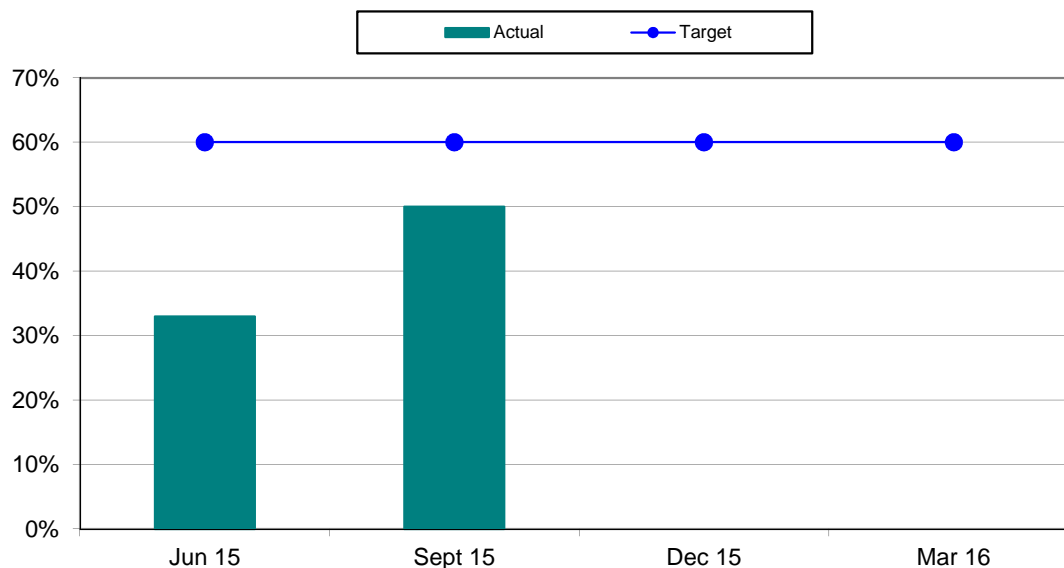
### Commentary

We have now developed family assessments and we are counting unallocated assessments per family rather than counting per individual children. There are now very few unallocated assessments, except in North West Central where there is a plan to address this.

## Care leavers who are in Education, Employment or Training (at age 19)

The time taken from initial enquiry to adopter approval at panel

**Bigger is better**



New Council Business Plan Measure for 2015/16

	Jun 15	Sept 15	Dec 15	Mar 16
Actual	33%	50%		
Target	60%	60%	60%	60%
Performance	▲	▲		

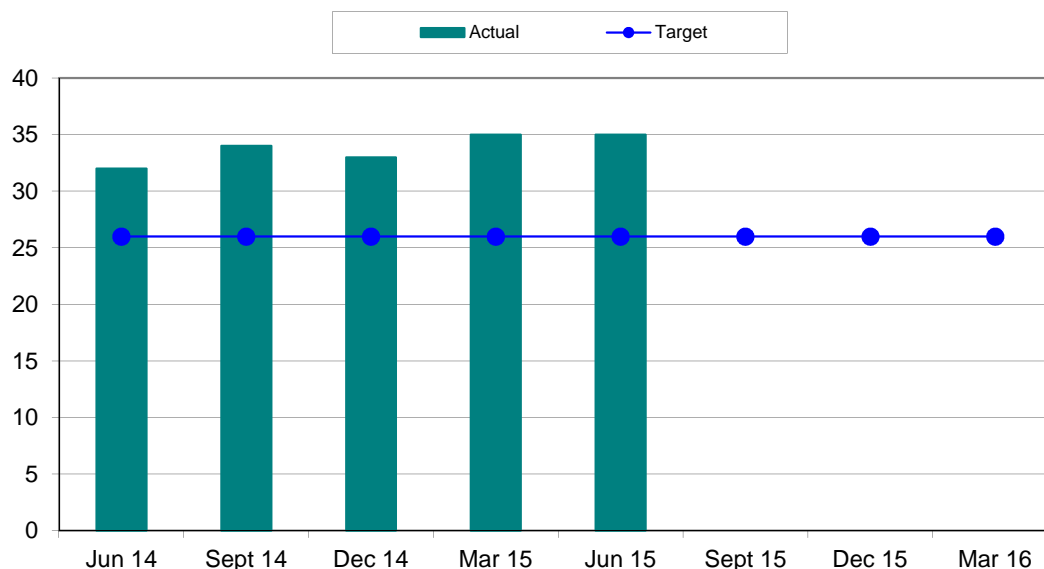
### Commentary

Whilst the national definition of care leavers has changed to include 20 and 21 year olds, performance is presented for the 19 year old cohort only to reflect the target as set. The methodology used to extract the performance figure has been reviewed and the cohort has been tightened to include only “former relevant” care leavers; that is, those entitled to services from the authority. We are able to track these young people and have ongoing responsibility for them.

We have discounted the “qualifying” group who are care leavers who only receive advice and guidance from the LA if they request it. This change better reflects the outcomes achieved as a result of Council activity. Although we have developed more apprenticeship opportunities for care leavers with partners, we now need to do the same across the Council.

## Recruitment of adopters - time from initial enquiry to adopter approval at panel

Smaller is better



Target in line with statutory target  
Number of weeks

	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	32	34	33	35	35			
Target	26	26	26	26	26	26	26	26
Performance	▲	▲	▲	▲	▲			

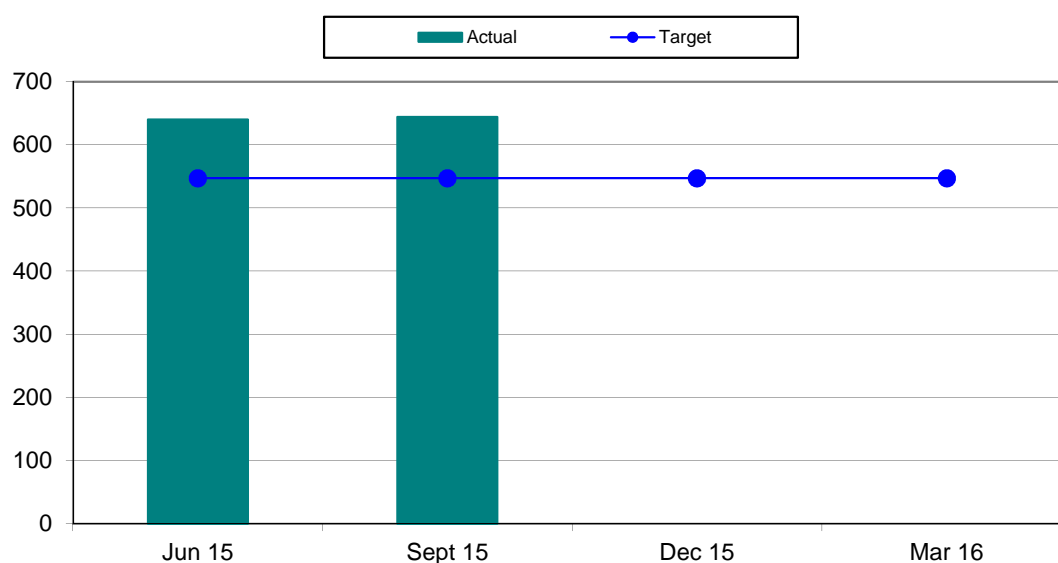
### Commentary

The adoption service is being overhauled with an increased focus on recruiting adopters and on family finding services. This is aided by Government funding to allow purchase of adoptive placements from other authorities. This performance indicator is over a long period so it will take some time to see these changes reflected in the performance number reported.



## Average length of time from admission to care to being placed for adoption (1 year rolling average)

Smaller is better



New Council Business Plan Measure for 2015/16, and, target in line with national threshold

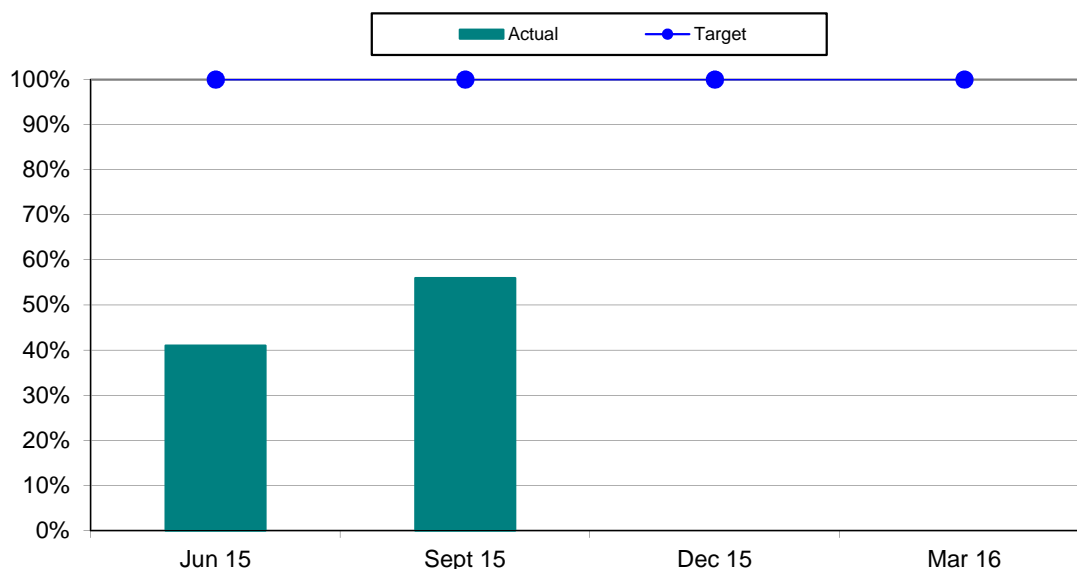
	Jun 15	Sept 15	Dec 15	Mar 16
Actual	640	644		
Target	547	547	547	547
Performance	▲	▲		

### Commentary

Improvement is expected in the longer term, allowing time for a new programme to embed and speed up matching children on placement orders with adopters. However, we are increasing the number of adoption placements being made. There were 95 children placed in 2013-14 and 120 children in 2014-15. The adoption service statistical information issued September 2015 shows that 77 children have been placed in the first half of this year. Therefore, the trajectory is that the number of children being placed for adoption is rising. It should also be noted that only one adoptive placement broke down last year – indicating that children in our care are being placed with the right families, despite longer timescales for placements.

## Special Education Need (SEN) - Percentage of Education, Health and Care Plans issued within 20 weeks (excluding permitted exceptions)

Bigger is better



New Council Business Plan Measure for 2015/16 based on Education, Health and Care Plans issued within 20 weeks.

Target of 100% is a statutory target

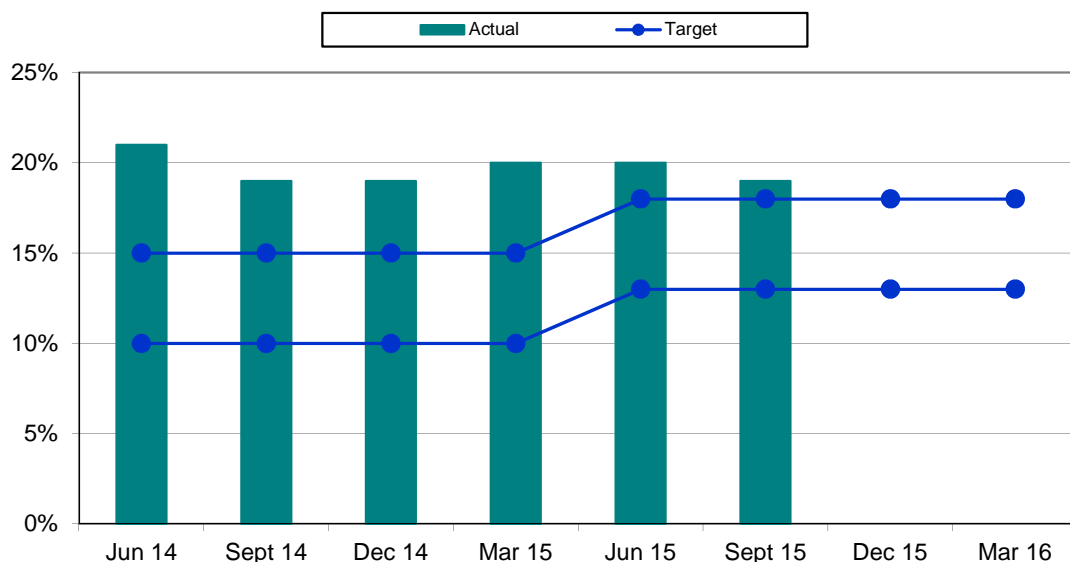
	Jun 15	Sept 15	Dec 15	Mar 16
Actual	41%	56%		
Target	100%	100%	100%	100%
Performance	▲	▲		

### Commentary

Increasing numbers of Education, Health and Care Assessments (EHC) are being finalised each month and the back-log of cases is reducing. Mitigating actions include the daily monitoring of performance and improvements to our I.T. reports. Process mapping is underway with Service Birmingham to identify improvements in workflow. Staffing has been modelled and following increases of staff in 2014 the current teams have the capacity to complete the new EHC Plans, placements and Annual Reviews.

## Children becoming the subject of a child protection plan for a second or subsequent time

Within range







Measure introduced in June 2014, and, target in line with the national average

	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	21%	19%	19%	20%	20%	19%		
Target	10 - 15%	10 - 15%	10 - 15%	10 - 15%	13 - 18%	13 - 18%	13 - 18%	13 - 18%
Performance	▲	▲	▲	▲	▲	▲		





### Commentary

Essex our improvement partners have worked with conference chairs recently to improve our process and we are on a gradual downward trend.

## Place Directorate

Total by measure status							
	1		0		1		2

### Key

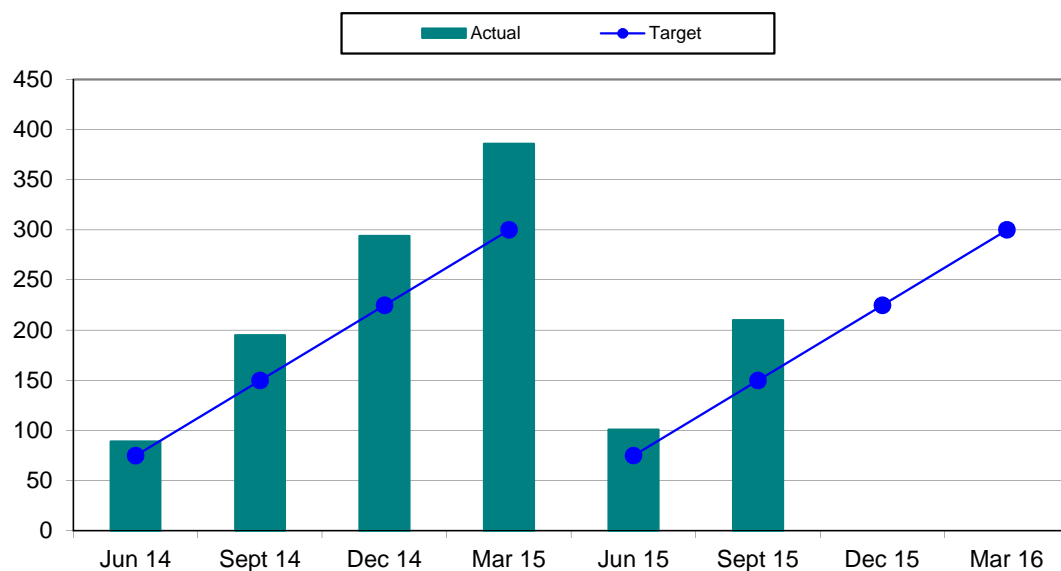
	: Target exceeded/ahead of schedule
	: Performance on track
	: Off target, but, within acceptable tolerance
	: Target below tolerance/behind schedule

One of the available measures within this Directorate is performing within acceptable tolerance levels.

The following pages detail the one measure where we have performed particularly well (i.e. where we have exceeded our target), and, the two measures that require special management and Member attention (i.e. where we have not met our target).

## Private sector empty properties brought back into use.

Bigger is better



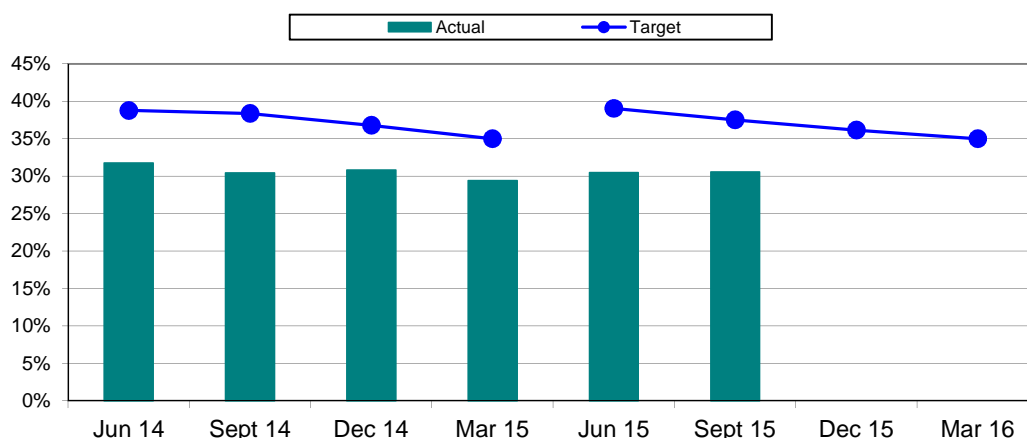
	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	89	195	294	386	101	210		
Target	75	150	225	300	75	150	225	300
Performance	★	★	★	★	★	★		

### Commentary

210 private sector empty properties were brought back into use, 60 more than target.

## Household waste which is reused, recycled and composted

### Bigger is better



	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	31.74%	30.44%	30.80%	29.40%	30.49%	30.55% estimated		
Target	38.80%	38.40%	36.80%	35.00%	39.06%	37.54%	36.18%	35.00%
Performance	▲	▲	▲	▲	▲	▲		

#### Commentary

The estimated year to date result of 30.55% means that we are well below target. The profiled year to date target is 37.54%.

The benefits of introducing a wheelie bin system are starting to show improvements in recycling rates at our Household Recycling Centres (HRC), as detailed below.

Montague Street has seen an increase of 23.50% in kerbside multi materials and an increase of 17.22% in kerbside paper collections. Redfern Road has seen an increase of 36.02% in kerbside multi materials and an increase of 4.07% in kerbside paper collections. Perry Barr has seen an increase of 19.42% in kerbside multi materials and an increase of 9.17% in kerbside paper collections, but, it's only just started to stabilise following the roll out of wheelie bins and so their impact is still unfolding. However, it is anticipated that this will have a significant and positive impact on achieving the target as recycling participation levels in this part of the city are high.

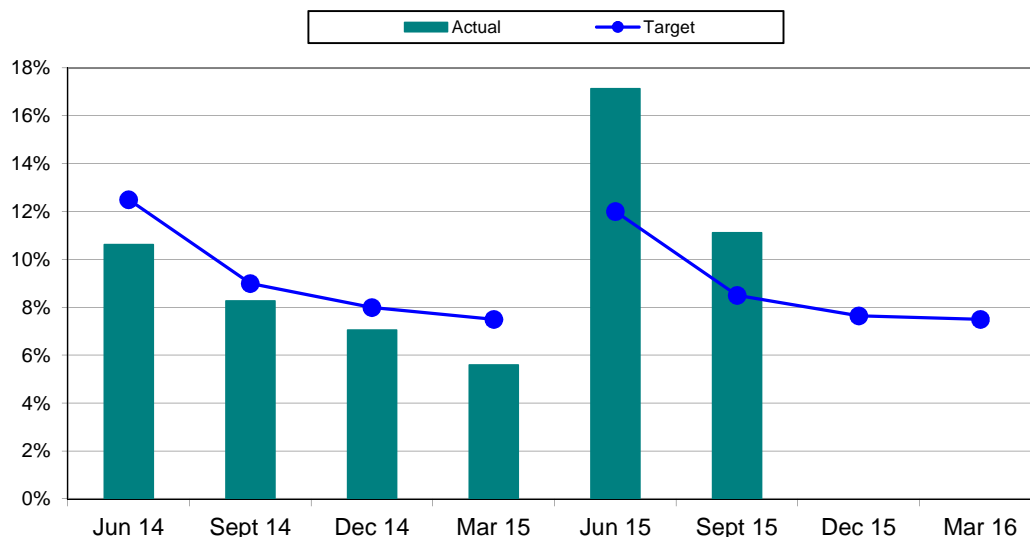
There has also been an issue within the waste wood industry generally, which has led to a significant increase in the cost of recycling wood taken to the HRC's and the contraction of that market. A further market testing exercise will be undertaken in preparation for the end of the 12 month contract in March 2016. It is hoped that a financially viable solution can be found that still contributes positively to this recycling measure. Expected reporting timescales for this are end of November.

As well as the positive impact of continuing with the roll out of the wheelie bins, since last reporting other action has been taken to improve this measure including: There has also been an issue within the waste wood industry generally, which has led to a significant increase in the cost of recycling wood taken to the HRC's and the contraction of that market. In order to improve this situation a further market testing exercise has been requested from Veolia in preparation for the end of the 12 month contract in March 2016. It is hoped that a financially viable solution can be found that still contributes positively to this recycling measure. The expected reporting timescales for this are the end of November 2015. The Reuse Centre at Norris Way continues to provide an invaluable social enterprise facility for all residents to reuse their unwanted items. So far the reuse centre has sold 210 tonnes of goods that would otherwise have ended up in the waste stream.

Although this makes up only a small part of the overall waste stream, with reuse appearing higher up in the waste hierarchy this is a positive step. The waste materials that we reuse, recycle and compost are made up of a number of identified waste streams. Green waste sent for composting equates to 12.29% (12.39% in the same period 2014) of household waste collected. Paper and cardboard sent for recycling equates to 7.17% of household waste collected (6.83% in the same period 2014). Multi material (cans, glass and plastics) equate to 6.15% of Household waste collected (5.43 % in the same period 2014). The rest of the recycling tonnage is made up of other smaller waste streams. These are based on estimated year to date values.

## Municipal waste sent to landfill

Smaller is better



	Jun 14	Sept 14	Dec 14	Mar 15	Jun 15	Sept 15	Dec 15	Mar 16
Actual	10.62%	8.26%	7.05%	5.59%	17.12%	11.11% estimated		
Target	12.50%	9.00%	8.00%	7.50%	12.00%	8.50%	7.65%	7.50%
Performance	★	✓	★	★	▲	▲		

### Commentary

The estimated year to date result of 11.11% means that we are below target. The profiled year to date target is 8.50%.

The target for this indicator is profiled to take into account the scheduled closedown of the Energy from Waste Plant which now takes place in the early part of the year. During this April's planned shutdown extra scheduled checks were carried out, resulting in a longer than usual shutdown. A number of further faults have been identified in the generator plant that resulted in further unplanned shutdowns.

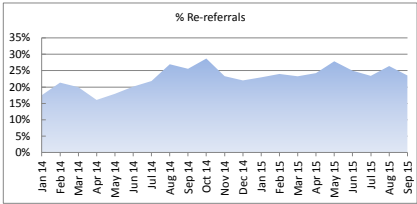
Veolia is required to ensure that the EFW plant, including its generator, is fit for purpose and is obliged to resolve any arising problems as quickly as possible. The problems encountered with the generator and the subsequent additional landfill costs incurred as a result are the contractual responsibility of Veolia and not Birmingham City Council. Since last reporting on this measure a response has been received from Veolia with a proposal to resolve the current situation regarding additional landfill costs. The financial consequences of this proposal are being considered at a senior level within the City Council; a response went back to Veolia on 28th October 2015, we await their reply. Veolia has advised that they will use all their endeavours to keep waste to landfill to a minimum.

PERFORMANCE SCORECARD - September 2015

Agenda item 4

1.) % Re-referrals (Monthly)

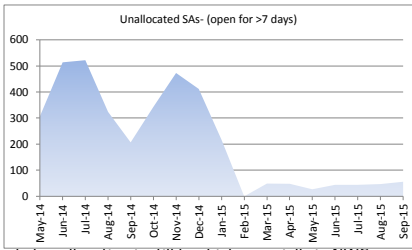
	6 month cumulative	Sep-15
No. re-referrals	1,829	303
Total Referrals	7,314	1,287
Re-referrals %	25%	24%
Performance rating		
Trend		
National average		23%



Performance in last 6 months is close to national average

2.) Number of unallocated family assessments (open >7 days)

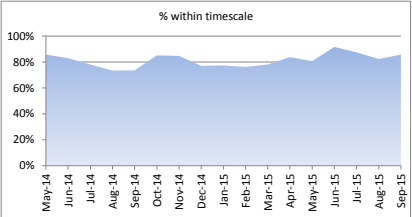
	6 month average	Sep-15	EAST	NWC	SOUTH	MASH
Unallocated (open >7 days)	44	56	3	40	3	5
Total number of open single assessments	1,142	1,003	175	367	250	117
% of unallocated single assessments	4%	6%	2%	11%	1%	4%
Performance rating						
Trend						



The data shows that performance has improved significantly since November 2014 but the level of unallocation is still too high especially in NWC where we have had turnover of agency staff. Assessment and short term intervention teams (ASTI) have improved the quality and timeliness of assessments and support for children and their families, as has the adoption of the new 'family assessment' format in July. All unallocated cases have been screened and are child in need not child protection cases.

3.) On-going single assessments in timescale (45 working days incl. S47)

	6 month average	Sep-15	EAST	NWC	SOUTH	MASH
No. inside	1,169	859	163	257	240	112
No. outside	195	144	12	110	10	5
Total	1,364	1,003	175	367	250	117
% Inside	86%	86%	93%	70%	96%	96%
Performance rating						
Trend						



The timeliness of assessments is an area we need to work on. Ofsted in their recent improvement visit praised the approach taken in South. The Area of greatest delay is NWC.

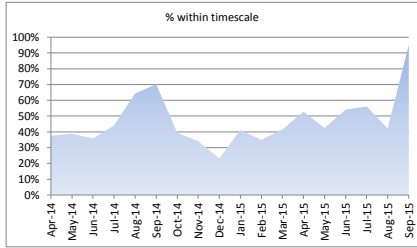
4.) % Children seen at Assessment (S17 and S47)

	Sep-15
Children seen	529
% Seen at Assessment	54%

CareFirst is not an easy system to extract good data such as this from. Children seen is a good proxy measure for quality of assessment. We want to see this % increase.

5.) On-going S47s within 15 working days - MASH only

	6 month average	Sep-15
No. S47 open < 15 days	95	76
Total S47 Open	175	80
% Inside timescale	54%	95%
Performance rating		
Trend		



S.47s do not have to be completed within 15 days, but timeliness is important. These figures show that the S.47 teams in MASH are managing their workloads much better. Ofsted recently commented on the low and variable threshold for some S.47 enquiries.

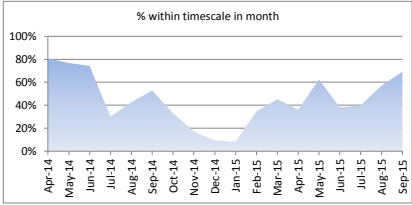
6.) % Children seen at Assessment S47 only

	Sep-15
Assessments completed	268
Children seen	147
% Seen at Assessment	55%

CareFirst is not an easy system to extract good data such as this from. Children seen is a good proxy measure for quality of assessment. We want to see this % increase.

7.) CP initial conferences convened and taken place within timescales

	6 month average	Sep-15
No. within timescale	66	70
Total convened	139	102
% within timescale	47%	69%
Performance rating		
Trend		



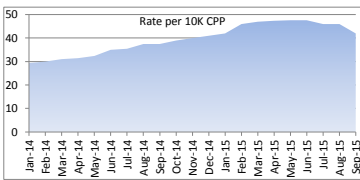
The number of child protection conferences remains high but reducing. Timeliness is improving and we have looked more closely at the definition to ensure we are measuring this correctly.

Population 0 to 17	
EAST	102,711
NWC	105,477
SOUTH	65,947

8.) Number of children with a Child Protection Plan - Snapshot as of month end

	Mar-15	Sep-15	EAST	NWC	SOUTH	MASH
No of CPP	1,301	1,157	331	402	362	10
Rate per 10K	47	42	32	38	55	
National average per 10K		42				

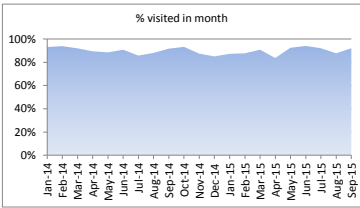
Note: DCSC not included in area breakdown



Our rate per 10,000 of children who are the subject of a child protection plan has increased significantly since January 2014, but has now fallen slightly. Our rate is now higher than the national average and statistical neighbours.

9.) % of child protection visits in the month

	6 month average	Sep-15
At least one visit in a month		
Number of CPP visited	1,048	986
Number of CPP to be visited	1,147	1,068
% visited in month	91%	92%
Performance rating		
Trend		



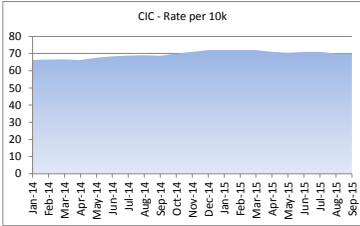
	6 month average	Sep-15
Visited more than once in a month		
Number of CPP visited more than once	717	757
Number of CPP to be visited	1,128	1,068
% visited in month	64%	71%
Performance rating		
Trend		

The standard is to see all children who are the subject of a child protection plan at least every fortnight and this is a core social work activity. The number of visits at least twice a month is improving.

10.) Number of Children in Care - Snapshot as of month end

	Mar-15	Sep-15	EAST	NWC	SOUTH
Total CiC	1963	1926	587	566	607
Rate per 10K	72	70	57	54	92
National average per 10K		60			

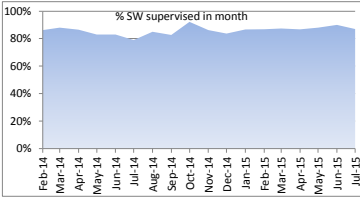
\* Since April 2015 18+ are excluded from the total CiC



The number of children and young people in care is gradually reducing as intended in our improvement plan. This is a combination of more adoptions and return homes and more challenge at resource panel. The edge of care teams are almost ready to begin.

11.) % of social workers who have had supervision (in month)

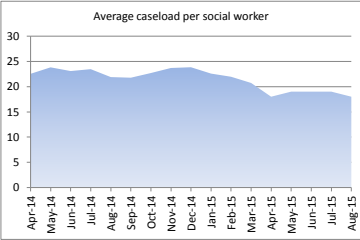
	6 month average	Aug-15
Supervisions	457	440
Total Staff	524	527
% supervised	87%	84%
Performance rating		
Trend		



Within a good service, we would expect to see all social work staff supervised at least 10 times per year. This would yield a percentage of 83% per month. We are performing above this level.

12.) Average caseload of qualified social workers

	Sep-15
Assessment Teams	24
Safeguarding Teams	18
Children in Care Teams	16
MASH Teams	23
Average Caseload - City	18
Performance rating	
Trend	



There is a trend of reducing average cases as we become more focused on need. There are a number of newly qualified staff on protected caseloads, so the average for more experienced staff is higher. The new assessment teams have high caseloads, and this is an area for improvement.

Overall Rating - Positive improvement but more work around practice and workflow needed

Main areas of concern: unallocated work; timeliness of assessments; children not seen at assessment; infrequent visit patterns to some children on CP plans; assessment team caseloads. In addition, we are overhauling our SGO policy and processes.



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Deputy Chief Executive</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> November 2015</b>
<b>SUBJECT:</b>	<b>WEST MIDLANDS RAIL LIMITED</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000615/2015</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member for Local Services:</b>	<b>CLLR TAHIR ALI, CABINET MEMBER FOR DEVELOPMENT, TRANSPORT AND THE ECONOMY</b>
<b>Relevant O&amp;S Chairman:</b>	<b>CLLR VICTORIA QUINN, ECONOMY, SKILLS AND SUSTAINABILITY</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
<p>1.1 To seek approval for the proposed governance arrangements for the development and oversight of the West Midlands rail franchise through West Midlands Rail Limited (WMR Ltd).</p> <p>1.2 To seek approval for the Council's membership of WMR Ltd.</p> <p>1.3 To seek approval for the appointment of Directors to the Board of WMR Ltd.</p>

<b>2. Decisions recommended:</b>	
That Cabinet:-	
2.1 Approves the proposed governance arrangements set out in this report for development and oversight of West Midlands Rail (WMR) Ltd, established as a company limited by guarantee with a Board of Directors appointed from each of the constituent partner authorities for the purpose of providing local democratic strategic guidance for specification of the new West Midlands rail franchise being let by Department for Transport (DfT) during 2017.	
2.2 Approves the City Council joining WMR Ltd as a member.	
2.3 Authorises the appointment of the Leader of the Council as a principal director on the Board of WMR Ltd and the Cabinet Member for Development, Transport and the Economy as the substitute director on that Board.	
2.4 Authorises the Director of Legal & Democratic Services to agree and enter into or execute such documents as are necessary to give effect to these decisions.	
2.5 Notes that it is intended that WMR Ltd will, during Summer 2016, enter into a formal partnership agreement with the DfT that will set out the rights and obligations of WMR Ltd in relation to the award of the new rail franchise and related matters and that agreement will require approval by a 75% vote of WMR Ltd's members and will be the subject of a future executive report to Cabinet.	
2.6 Notes that any WMR Ltd member may resign its membership of WMR Ltd at any time, including where the member does not approve the terms of any such agreement.	
<b>Lead Contact Officer(s):</b>	David Harris – Transport Policy Manager
<b>Telephone No:</b>	0121 464 5313
<b>E-mail address:</b>	<a href="mailto:David.i.harris@birmingham.gov.uk">David.i.harris@birmingham.gov.uk</a>

<b>3. Consultation</b>
<p>3.1 <u>Internal</u></p> <p>3.1.1 Consultation has been undertaken with the Leader of the Council, the Deputy Leader of the Council, and the Cabinet Member for Commissioning, Contracting and Improvement upon the content of this report and they support the proposals proceeding to an executive decision.</p> <p>3.1.2 Officers from City Finance and Legal &amp; Democratic Services have been involved in the preparation of this report</p> <p>3.2 <u>External</u></p> <p>3.2.1 No external consultation is being undertaken with regard to the establishment of WMR Ltd as this is considered to be a procedural governance matter. However it is expected public consultation will be undertaken by DfT and WMR regarding the specification of the new rail franchise and it is anticipated this will be the subject of a future executive report during 2016.</p>
<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>4.1.1 This report is consistent with the City Council's Business Plan 2015+ policies, including the primary goals for a Prosperous City and a Democratic City.</p> <p>4.1.2 This report is in accordance with the general move towards greater devolution across the UK, including the development of proposals for a West Midlands Combined Authority. More specifically, it is in accordance with the City Council's Business Plan 2015+ 'triple devolution' approach, which specifies issues of strategic planning, transport, and economic development to be addressed at Combined Authority level.</p> <p>4.1.3 The City Council's Birmingham Connected 20-year strategy for improving the City's transport network states that the proposed devolved rail franchise would be a key vehicle to progress improvements to the local rail network.</p> <p>4.2 <u>Financial Implications</u></p> <p>4.2.1 As previously agreed on 19<sup>th</sup> December 2014 by the West Midlands Leaders Rail Group (LRG), which has senior political representation from each Partner Authority, and as applied for 2015/16, funding for WMR is divided between Metropolitan Districts (75%) and Shire/Unitary Authorities (25%). For Metropolitan Districts this funding is currently provided through the Centro Levy, and is divided on the basis of population, in the same manner as other activities funded through the Centro Levy. For Shire/Unitary Authorities, the 25% balance is divided equally amongst the seven Authorities.</p> <p>4.2.2 Future funding requirements will be agreed by the WMR Ltd Board of Directors, and will be divided as described in paragraph 4.2.1 above. It is anticipated that funding requirements until 2017 will be associated with the normal operation of WMR Ltd in establishing the company and engaging with the DfT on specification and letting of the new franchise. As per the recommendation in para 2.5 above, WMR Ltd will, during Summer 2016, enter into a formal partnership agreement with the DfT, which will address funding requirements from 2017. This agreement will be the subject of a future executive report to Cabinet, which would include seeking approval for funding contribution from the City Council, should any such contribution be proposed as part of the partnership agreement. It is anticipated that if any contribution was approved in this manner, it would be managed within the Economy Directorate.</p> <p>4.2.3 In the event that any Partner Authority was to resign from WMR Ltd, the resigning member would be required to honour its funding commitments (as referred to in paras 4.2.1 and 4.2.2 above) for the duration of the applicable financial year.</p>

#### 4.3 Legal Implications

- 4.3.1 The current system of rail franchising operates under the Railways Acts (1993 and 2005). For the initial devolved WMR franchise from 2017 this is being managed jointly by the DfT and WMR Ltd (on behalf of the Partner Authorities), by agreement with the Secretary of State for Transport, with the potential for further devolution in the subsequent franchise (subject to further examination by the WMR Ltd Board in the future).
- 4.3.2 The City Council has the powers to join WMR Ltd and to appoint Directors to WMR Ltd's Board of Directors under section 1 of the Localism Act 2011. Under this provision a local authority has a general power to do anything that individuals generally may do.
- 4.3.3 The host authority for the purposes of supporting the requirements of the Company (WMR Ltd), for Company due diligence purposes will be the West Midlands Integrated Transport Authority (WMITA), and then the West Midlands Combined Authority (WMCA) which, when established, will be the WMITA.
- 4.3.4 Regarding contracting/procurement implications, whilst WMR would work with the DfT on the franchising process generally, the DfT would undertake the procurement of a Train Operating Company to, as presently, operate the actual rail services. Network Rail would continue to be responsible for maintaining the rail infrastructure network (track, bridges etc). This would follow the usual procurement process for rail franchises as set out by the Railways Acts (1993, 2005), and in line with European Union procurement legislation. Key actions and timescales for the procurement process are outlined in para 5.11 below.

#### 4.4 Public Sector Equality Duty

- 4.4.1 An initial Equalities Analysis has been carried out (ref EA000834, and is attached at Appendix E. to this report). No adverse effects have been identified from the actions recommended in this report.
- 4.4.2 This report is purely concerned with the proposed governance arrangements for the development and oversight of the rail franchise through WMR Ltd. When subsequent practical issues, such as fares and ticketing, disabled access, and the staffing of stations are considered, these will be the subject of separate Equalities Analysis as appropriate, as part of a future executive report on the public consultation to be undertaken by the DfT and WMR regarding the specification of the rail franchise, during 2016.

### 5. **Relevant background/chronology of key events:**

#### Background

- 5.1 West Midlands Rail (WMR) Partner Authorities, including the City Council, have been developing a proposal for increasing local involvement and influence over local rail services, in line with government policy on devolution and evidenced by the benefits experienced elsewhere from local control of rail services – within this context, WMR's objectives for rail devolution are as follows:
- a) Supporting economic growth by delivering more capacity and better connectivity;
  - b) Delivering a better service for passengers, encouraging modal shift, reducing carbon emissions;
  - c) Delivering a more efficient railway which is better value for the tax payer;
  - d) Unlocking the potential of the planned new High Speed Two national rail network; and
  - e) Making the West Midlands rail network more accountable to local people.
- 5.2 In order for Partner Authorities to be active partners in the future management of the WMR Franchise, the DfT requires that an appropriate governance framework is in place. This is expected to involve all Shire, Unitary and Metropolitan authorities, including the WMITA, in the West Midlands Travel to Work Area (full list in Appendix B). The planned initial geographic extent of the rail franchise is shown in Appendix A
- which corresponds with those services currently operated by London Midland. A summary of the proposed WMR governance structure is in paras 5.3-5.7; a fuller description is in Appendix B.

### Proposed West Midlands Rail Governance Structure

- 5.3 The proposition that West Midlands Partner Authorities have agreed with DfT for rail devolution includes that the specification of the West Midlands rail franchise will be led by the DfT prior to the commencement of the initial devolved franchise in 2017, with Partner Authorities having a strong involvement. Following franchise award, it is expected that WMR Ltd will, initially, jointly manage the franchise in partnership with the DfT. Partner Authorities, via WMR Ltd, will also have influence over longer-distance passenger rail franchises that provide core services through the region when they are retendered by the DfT.
- 5.4 The primary benefits from the proposed devolution of local rail services in the West Midlands are derived from the guiding strategic influence of local politicians. Consequently, robust governance arrangements that enable each of the participating Partner Authorities to have a voice are considered to be vital.
- 5.5 Leaders' Rail Group (LRG) has therefore been set up in Shadow form since 2014 and, following approval of the governance arrangements set out in this report and the Partner Authorities formally joining WMR Ltd, will in effect become the WMR Ltd Board of Directors. All the Partner Authorities are agreeing to the same recommendations contained in this report. WMR Ltd would be a company limited by guarantee, owned by the Partner Authorities. This Board would provide strategic guidance and local democratic accountability. As is the case for LRG, this Board would be formed of the Leaders or other senior representative appointed by each of the seven constituent Councils of WMITA and each of the seven Shire and Unitary Partner Authorities. For Birmingham these representatives are proposed to be the Leader of the Council, with the Cabinet Member for Development, Transport and the Economy as substitute.
- 5.6 Therefore, each of the Partner Authorities would become a member of WMR Ltd. The Board of WMR Ltd are to be responsible for determining the desired strategic direction for the specification of the West Midlands rail franchise. Going forward, and subject to agreement of each Partner Authority, the Board will oversee strategic policy matters in respect of the envisaged partnership agreement between WMR Ltd and the DfT.
- 5.7 The proposed WMR Ltd governance arrangements are capable of accommodating potential Combined Authorities should such bodies be formally established - more information is shown in Appendix C para 22.
- 5.8 A summary of the proposed Articles of Association (AoA) for WMR Ltd is shown in Appendix C with the full AoA in Appendix D.

### Next Steps

- 5.9 Subject to Cabinet's agreement for the City Council to approve the proposed governance arrangements for WMR, join WMR Ltd, and appoint its Directors to the WMR Ltd Board, and providing all other Partner Authorities also agree to do so, it is expected that WMR Ltd will be formally established in December 2015.
- 5.10 The City Council will continue to work with WMR representatives, other Partner Authorities and the DfT to take forward the devolved franchise including the agreement between WMR and DfT and the specification for the franchise (including rail services, stations, and fares).
- 5.11 Subsequent key milestones for the rail franchise are shown below:
- Issue Official Journal of EU Notice/Pre-Qualification Questionnaire: December 2015;
  - Joint DfT/WMR Public Consultation on Franchise specification: Winter 2015/Spring 2016;
  - Publish Invitation to Tender: July 2016;
  - Contract Award: June 2017; and
  - Commence the new franchise: October 2017.

## **6. Evaluation of alternative options:**

- 6.1 To not pursue the devolution of the West Midlands rail franchise, and continue with the current system of rail franchising as controlled by the DfT. However it is considered that this would not achieve the objectives of the Partner Authorities (as stated in para 5.1), and would not fit with the wider devolution agenda (as in para 4.1.2), nor with policies in Birmingham Connected (as in para 4.1.3).

- 6.2 The potential for full devolution of the rail franchise to WMR from the commencement of the initial franchise in 2017 has been explored, however it was agreed by WMR and DfT that a phased process of devolution be adopted. This will allow WMR Ltd to develop experience and capability in readiness for future full devolution, and is consistent with the approach adopted for the devolved Rail North Franchise for the North of England.
- 6.3 The proposed initial geographic extent of the rail franchise (see Appendix A) was chosen as it corresponds to that covered by the existing Franchise operated by London Midland – this is considered to be the most logical approach for a number of geographic, operational, financial, procurement, and other, reasons. However there is potential for additional/amended rail services, subject to business case, affordability and value for money - it is expected that these can be considered through the public consultation on the specification for the rail franchise, and as part of the normal rail industry planning and consultation processes, which the City Council will continue to engage with.
- 6.4 LRG has collectively expressed a view that a separate body with the purpose of engaging with DfT on the letting of the rail franchise and subsequently participating in the management of the Franchise is the preferred vehicle for providing strong political governance. This recognises that the geography for local rail services incorporates a broad and disparate group of local authorities. Following analysis of alternative options, including an Association of the Partner Authorities or a Memorandum of Understanding, it was decided by LRG that the most straightforward way to achieve this is to set up a company limited by guarantee, owned by the Partner Authorities, which is the purpose of this report.

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

- 7.1 To approve the proposed governance arrangements for the development and oversight of the West Midlands rail franchise through West Midlands Rail Limited (WMR Ltd).
- 7.2 To approve the City Council's membership of WMR Ltd and recommend the appointment by the Council of Directors to the Board of WMR Ltd.

**Signatures****Date**

Councillor Tahir Ali, Cabinet  
Member for Development,  
Transport & the Economy

.....

Paul Dransfield, Deputy Chief  
Executive

.....

**List of Background Documents used to compile this Report:**

“West Midlands Rail Proposition and Business case”: published by Centro on behalf of West Midlands Rail, October 2014.

“West Midlands Rail Devolution: Realising the West Midlands’ Rail Vision”: approved by West Midlands Leaders Rail Group, June 2015.

**List of Appendices accompanying this Report (if any):**

1. Appendix A: Planned Initial Geographic Extent of Devolved West Midlands rail franchise
2. Appendix B: Proposed Governance Structure for West Midlands Rail
3. Appendix C: Summary of Proposed West Midlands Rail Limited Articles of Association
4. Appendix D: Full Text of Proposed West Midlands Rail Limited Articles of Association
5. Appendix E: Equalities Analysis

## **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.

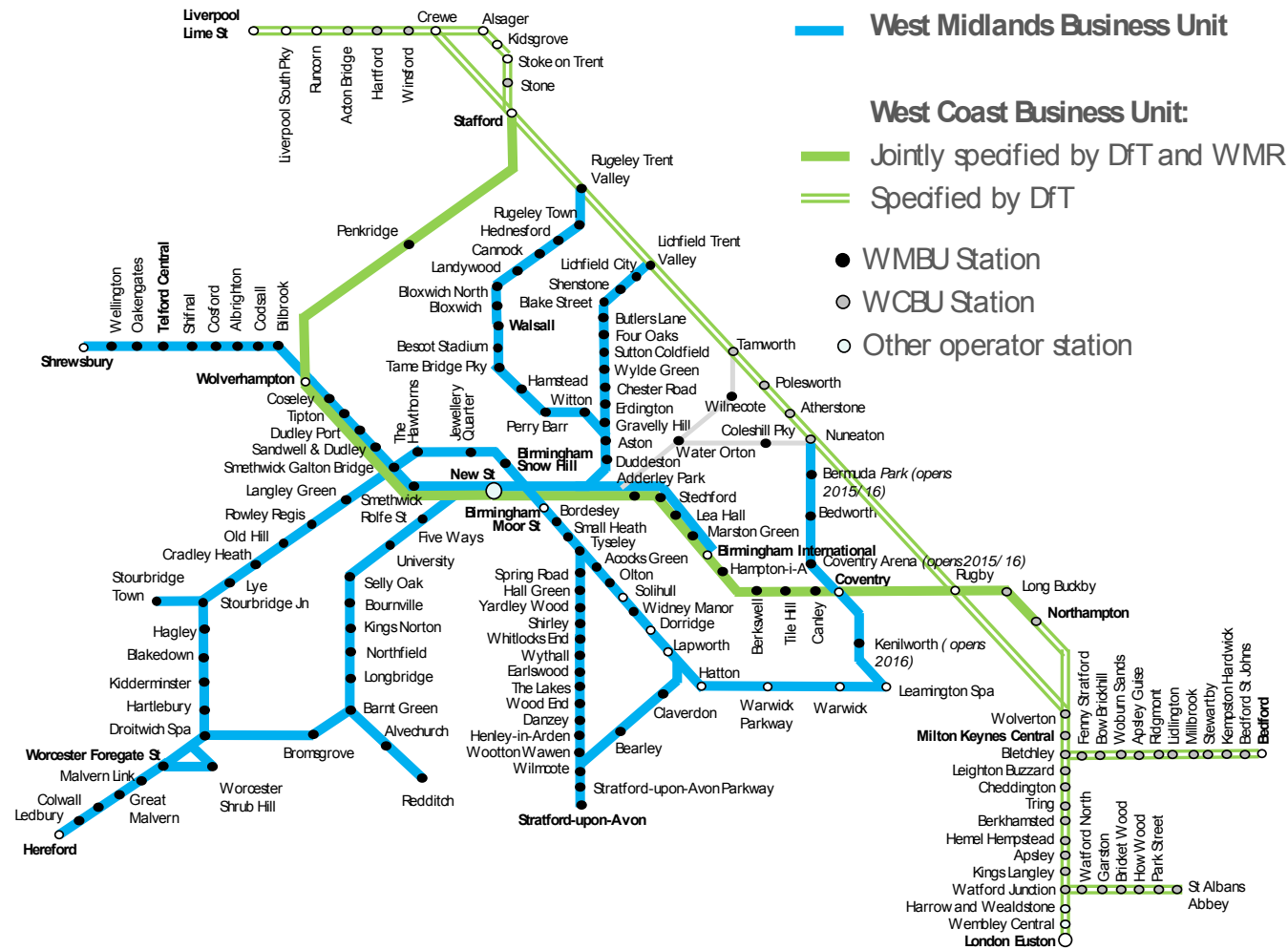
The public sector equality duty is as follows:

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"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
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"> <li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li> <li>(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;</li> <li>(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.</li> </ul>
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"> <li>(a) tackle prejudice, and</li> <li>(b) promote understanding.</li> </ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> <li>(a) age</li> <li>(b) disability</li> <li>(c) gender reassignment</li> <li>(d) pregnancy and maternity</li> <li>(e) race</li> <li>(f) religion or belief</li> <li>(g) sex</li> <li>(h) sexual orientation</li> </ul>



# Planned Initial Geographic Extent of Devolved West Midlands rail franchise

## West Midlands Franchise – Business Units



## Proposed Governance Structure for West Midlands Rail

1. The primary benefits from the proposed devolution of local rail services in the West Midlands are derived from the guiding strategic influence of local politicians. Consequently, robust governance arrangements that enable each of the participating Partner Authorities to have a voice are considered to be vital.
1. The principles that the governance is designed to achieve are:
  - Effective, inclusive and transparent decision making between partner authorities
  - Democratic accountability
  - Robust financial management
2. To achieve delivery of these principles the governance structure is proposed to be as follows:
  - a) Each of the Partner Authorities will become a member of WMR Ltd. A 75% vote of the members will be required to admit any further members.
  - b) Strategic guidance and local democratic accountability will be provided by the Board of Directors of WMR Ltd which will take all decisions on behalf of WMR Ltd not reserved to WMR Ltd's members. The Board will be formed of the Leaders or other senior representative appointed by each of the seven constituent councils of the ITA and each of the seven Shire and Unitary Partner Authorities or (in their absence) by substitute directors appointed by each of those authorities. Each Director will have one vote at Board meetings and decisions will also be capable of being taken in writing (including by e-mail).
  - c) The entering into by WMR Ltd of the envisaged formal partnership agreement with the DfT or any other agreement providing for the involvement of WMR Ltd in the specification, letting process or management of any rail franchise agreement, in addition to requiring the approval of the Board of Directors, will require the approval of a 75% vote of the members, as will any substantial amendment subsequently made to any such agreement. Decisions requiring to be taken by WMR Ltd under the envisaged partnership agreement will be taken by WMR Ltd's Board of Directors subject to any consultation or other similar arrangements from time to time agreed between the members of WMR Ltd. The nature of the decisions that can be taken by the WMR Board will naturally be influenced by the nature of the agreement with the DfT.
  - d) Only Partner Authority members who are local transport authorities for their areas will be entitled to vote at members meetings (including at annual general meetings, if WMR Ltd chooses to have these). The ITA will have seven votes to reflect that it represents seven constituent councils and each Shire and Unitary Partner Authority member will have one vote. The ITA's constituent councils will join WMR Ltd as Associate Members without a separate vote in addition to the votes they are able to exercise through the ITA. The ITA will need to agree a process with the constituent councils for determining what their votes would be in advance of the relevant meetings.

e) The Partnership Agreement between WMR and DfT would be held and managed by WMR Ltd.

3. In order for Partner Authorities to be active partners in the future management of the West Midlands rail franchise, the DfT requires that an appropriate governance framework is in place. This is expected to involve all Shire, Unitary and Metropolitan authorities, including the West Midlands Integrated Transport Authority (ITA) in the West Midlands Travel to Work Area. Partner Authorities expected to participate in WMR are shown in Table 1, below:

<b>Metropolitan Authorities</b>	<b>Shire and Unitary Authorities</b>
Birmingham City Council	Herefordshire Council
Coventry City Council	Northamptonshire County Council
Dudley Metropolitan Borough Council	Shropshire Council
Sandwell Metropolitan Borough Council	Staffordshire County Council
Solihull Metropolitan Borough Council	Telford and Wrekin Council
Walsall Metropolitan Borough Council	Warwickshire County Council
Wolverhampton City Council	Worcestershire County Council
West Midlands Integrated Transport Authority	

Table 1 WMR Partner Authorities

### **WMR Ltd Board of Directors**

4. Leaders' Rail Group (LRG) was set up in Shadow form at a meeting in Stafford on 25 September 2014 and, following approval of the governance arrangements set out in this Report and the Partner Authorities formally joining WMR Ltd, will in effect become the Board.
5. Each Partner Authority other than the ITA will be represented on the Board by a principal director or (in the absence of the principal director) a substitute director appointed by that Partner Authority. The ITA will in effect be represented on the Board by the appointees of the ITA's constituent councils. Each Director will have one vote at Board meetings.
6. The Board of WMR Ltd are to be responsible, initially, for determining the desired strategic direction, on behalf of Partner Authorities, for the specification of the new West Midlands rail franchise. Going forward, and subject to the agreement of each Partner Authority, the Board will oversee strategic policy matters in respect of the envisaged partnership agreement between WMR Ltd and the DfT.
7. The Board is expected to meet at least quarterly.

### **West Midlands Rail Limited**

8. WMR Ltd will be a separate body, acting on behalf of the ITA and Metropolitan and Shire/Unitary Partner Authorities and will be a company limited by guarantee.
9. WMR Ltd has already been formally incorporated, set-up by Centro as a dormant company in 2014 in order to preserve the availability of the company name. At the point that Partner Authorities become members of WMR Ltd, Centro will cease to be a member and upon the new directors being appointed the existing sole director will resign.
10. The key objects of WMR Ltd are:

- to promote the devolution of responsibility for rail passenger services and (where appropriate) associated facilities in the West Midlands and Northamptonshire to local transport authorities or other appropriate local authorities or other bodies within that area (acting through WMR Ltd (the Company));
  - to manage or to assist in managing the performance of rail passenger services operating within the West Midlands and Northamptonshire pursuant to rail franchise agreements or other similar agreements;
  - to improve rail passenger services and associated facilities within the West Midlands and Northamptonshire; and
  - to develop and oversee the implementation of a long-term strategy for rail passenger services in the West Midlands and Northamptonshire as approved by the Members.
11. The rights of Partner Authorities to be consulted by the Secretary of State about the specification for rail franchises is unaffected by the existence of WMR Ltd and will remain. Similarly, powers to procure increments from the train operator will also remain, as at present. WMR Ltd is intended to provide Partner Authorities with a powerful further influence by providing a united, collegiate voice at the heart of franchise specification and management.
  12. The longer term role of WMR Ltd in specifying and managing the West Midlands rail franchise will be governed by a formal partnership agreement with the DfT which as noted above will require a 75% vote of WMR Ltd members. Each subsequent phase of devolution is expected to require a separate agreement with the DfT or changes to the initial partnership agreement, and any such agreements or changes will also require such approval by members, as well as the approval of the Board.
  13. It is proposed that Partner Authorities join WMR Ltd and appoint directors to WMR Ltd's Board in advance of the LRG meeting scheduled for 4 December 2015 so that that meeting will become the first meeting of the new WMR Ltd Board of Directors.

### **West Midlands Rail Limited Articles of Association**

14. A summary of the provisions of the WMR Ltd Articles of Association are attached as Appendix C and a copy of the Articles is attached as Appendix D.

### **Administrative Arrangements**

15. Administrative support for WMR Ltd and the Board of Directors of WMR Ltd will be provided by Centro.

## Summary of Proposed West Midlands Rail Limited Articles of Association

### Introduction

1. The Articles of Association of WMR Ltd (the Company) are derived from the model articles of association for companies limited by guarantee contained in Regulations made pursuant to the Companies Act 2006 but incorporating changes that are typically made to those model articles to clarify or to add to them and changes reflecting the proposed specific objects and bespoke governance arrangements developed by the WMR governance workstream group.

### Objects and Powers

2. The objects of the Company (article 2) are limited to activities relating to the devolution of West Midlands rail services as described in the main body of this Report. The powers of the Company (article 3) are mostly generic powers enabling the Company to do all necessary things in pursuance of its stated objects.

### Application of Income, Winding Up and Members' Liability

3. Any income/monies held by the Company are to be applied to promote the Company's objects and not returned to members except where the Company is formally wound up (in which case members share in accordance with their voting rights) (articles 4 and 5).
4. In the event of an insolvent winding up each member's liability is limited to £1 (article 6) and the position under applicable company law is that no member assumes any further liability in respect of the Company merely as a result of being a member (e.g. not including where they have otherwise agreed to assume such liability pursuant to a separate funding agreement).

### Board of Directors

5. The Company's Board of Directors will be appointed by each member authority (other than the ITA) appointing a principal director and a substitute director to represent them (the substitute director only being entitled to vote in the absence of the principal director) (article 22). This right for member authorities to appoint directors could be amended in circumstances where the members agree by a 75% majority vote to the admission of a further member authority (for example as a result the creation of a combined authority with more than seven constituent authorities) and any changes to this right will also require a 75% majority vote.
6. A director may be removed by the appointing member authority and will cease to be a director in various specified circumstances, including where the director resigns, is an elected member of the appointing authority and ceases to be an elected member, or the appointing authority resigns its membership of the Company (articles 22 and 23).
7. The chair of the Board will be selected annually by the Board but the position must alternate between a director appointed by an ITA constituent council and a director appointed by a shire council or unitary authority (with the vice chair for the time being selected from the other category of directors) (article 17).
8. Each director will have one vote at Board meetings and the chair will not have a casting vote (articles 12 and 17.4).

9. The quorum for Board meetings shall be a majority of directors (not counting substitute directors) (article 16).
10. Board meetings must be held at least four times per year and additional meetings may be called by any director (article 14).
11. Non-directors may be invited to Board meetings on a non-voting basis (article 11).
12. The Board will generally make all decisions on behalf of the Company and be responsible for the management of the Company except that:
  - a) the Company's members may by a special resolution (i.e. a 75% vote) direct the Board to take any specified action; and
  - b) any agreement between the Company and the Secretary of State for Transport relating to rail franchising (and any substantial amendment to any such agreement) will also require approval by such a special resolution (articles 7 and 8).

It is intended that further member approval rights will be considered in the light of the terms of the final agreement with the Secretary of State and the consequences on the decisions that it will be open to the Company to make. Those approval rights would either be incorporated into article 8.3 or in a separate agreement between the member authorities, which it is expected would also deal with funding issues.

13. The Board may delegate their powers (e.g. to a committee or to an employee or secondee acting for the Company) (articles 9 and 10).
14. Directors may participate at Board meetings by conference call/telephone (article 15). Board decisions can also be made by e-mail where a resolution is circulated to all Directors and approved by a majority of them within the timescale proposed with the resolution (with substitute directors counting and being entitled to vote only where the relevant principal directors have not indicated either agreement or disagreement to the resolution within the required timescale) (article 13).
15. Directors may authorise a conflict of interest relating to a director, but where the conflict relates to a personal financial interest it must also be authorised by ordinary resolution (i.e. majority vote) of the Company's members. A director may not vote on the authorisation of their own conflict of interest and any voting rights in relation to the relevant matter following authorisation of the conflict will depend on the terms of the authorisation decided on by the directors. (Article 18)
16. However, no conflict authorisation is required by reason of a director being a member or officer of a member authority and a director may provide his or her appointing authority with such information about the Company's activities as he or she sees fit (article 18.1).
17. Directors who are members of a member authority will not be entitled to receive any remuneration for acting as a director and any expenses payable will be limited by the relevant Local Government Act requirements (articles 25.3 and 26.2).

## **Membership**

18. Membership of the Company is divided into two categories – members who are local transport authorities (as defined in section 108 of the Transport Act 2008) (LTA Members) and those who are not (Associate Members). Unless approved by special resolution of

the members, only the ITA, the ITA's constituent councils and the other shire/unitary Partner Authorities may be admitted to membership (articles 28 and 29). Where further and different categories of members are approved by special resolution it may then be appropriate to amend the Articles of Association to adjust voting and director appointment rights, which could also be done by special resolution of the members.

19. Standard provisions are included regarding the calling and holding of a general meeting of members, the quorum for which is members holding a majority of the voting rights (articles 32 to 37 and 39 to 42). No requirement is included for the Company to hold annual general meetings, but the Directors may choose to convene these.
20. Members' authorities would attend members meetings by resolving to authorise a representative to exercise their rights at the meetings (article 40).
21. Decisions at general meetings may be taken on a show of hands if unanimous and no one requires a poll vote, but will otherwise require a poll vote. On a poll vote only LTA Members will have a vote and the ITA will have one vote for each of its constituent councils, i.e. 7 votes in total and the other local transport authority members would have one vote each (articles 38 and 39). The proposed provision for a successor to the ITA (i.e. a combined authority) to have one vote for each constituent council for whose area it is the local transport authority is subject to further review in the light of the expected make up of the combined authority that is proposed to succeed the ITA.
22. It would be possible for the ITA or a successor combined authority to cast some of its votes for and some of its votes against a resolution if that were agreed by the constituent council leaders (sitting as the ITA/combined authority). However, under applicable company law, all of those votes would need to be cast by one representative acting for the ITA/combined authority (even though the authority would be able to appoint more than one representative to attend a general meeting if it wished to do so).
23. The chair of a general meeting is prohibited by law from exercising a casting vote (article 38.4).
24. There is an exception to the non-voting status of an Associate Member to allow such a member to vote on and to defeat any resolution under the Companies Act to remove a director it has appointed (article 38.3).
25. Any member may terminate its membership of the Company on 7 days notice at any time (article 30.1). Provision is made for expelling members who are not local authorities (should such members be admitted with the consent of the members) where their conduct is considered likely to have an adverse effect on the Company (article 31).
26. Provision is also made for membership changes arising from the proposed combined authority that is expected to succeed the ITA and for other potential changes. In particular, provision is made for the ITA's membership to be capable of transferring to a successor combined authority (article 30.2), for an LTA Member ceasing to be a local transport authority and thereby becoming a non-voting Associate Member (article 30.3) and for the combined authority then to have one vote for each constituent council for whose area it is the local transport authority (article 38.2). Depending on the number of such constituent councils and the number of other LTA members, this could result in any the combined authority having a majority of votes at members meetings those constituent councils between them also appointing a majority of the Directors.

## **Miscellaneous**

27. Standard articles are included regarding company notices, use of a common seal and the right of Directors to be indemnified from the Company's assets (where it has assets) in respect of liabilities properly incurred as Directors and/or to insure against such liabilities (articles, 43, 44 and 46). In addition, reference is included to the applicability of transparency/information requirements applicable to the Company under the Local Authorities (Companies) Order 1995 (article 45).



**THE COMPANIES ACT 2006**

**PRIVATE COMPANY LIMITED BY GUARANTEE**

**ARTICLES OF ASSOCIATION**

**OF**

**WEST MIDLANDS RAIL LIMITED (the "Company")**

**(Adopted by special resolution passed on [INSERT DATE])**

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## PART 1 – OBJECTS, POWERS AND INTRODUCTORY PROVISIONS

### 1 Interpretation

1.1 In these Articles, unless the context otherwise requires:

**Act:** means the Companies Act 2006;

**Articles:** means the Company's articles of association for the time being in force;

**Associate Member:** has the meaning given in article 28.1(b);

**bankruptcy:** includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;

**Business Day:** means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

**Companies Acts:** means the Companies Acts (as defined in section 2 of the Act), in so far as they apply to the Company;

**Conflict:** means a situation in which a Director has or can have, a direct or indirect interest that conflicts or possibly may conflict, with the interests of the Company;

**Director:** means a director of the Company, and includes any Principal Director and Substitute Director and any other person occupying the position of director of the Company, by whatever name called;

**document:** includes, unless otherwise specified, any document sent or supplied in electronic form;

**electronic form:** has the meaning given in section 1168 of the Act;

**Eligible Director:** means a Director who would be entitled to vote on the matter at a Directors' meeting (but excluding in relation to the authorisation of a Conflict pursuant to article 18, any Director whose vote is not to be counted in respect of the particular matter);

**ITA:** means the West Midlands Integrated Transport Authority;

**local transport authority:** has the meaning given in section 108 of the Transport Act 2000;

**LTA Member:** has the meaning given in article 28.1(a);

**Member:** means a member of the Company being either an LTA Member or an Associate Member;

**Model Articles:** means the model articles for private companies limited by guarantee contained in Schedule 2 of the Companies (Model Articles) Regulations 2008 (SI 2008/3229) as amended prior to the date of adoption of these Articles;

**Northamptonshire:** means the shire county known as Northamptonshire;

**Objects:** means the objects set out in article 2;

**ordinary resolution:** has the meaning given in section 282 of the Act;

**participate:** (in relation to a Directors' meeting) has the meaning given in article 15;

**Principal Director:** has the meaning given in article 22.1;

**proxy notice:** has the meaning given in article 41;

**special resolution:** has the meaning given in section 283 of the Act;

**subsidiary:** has the meaning given in section 1159 of the Act;

**Substitute Director:** has the meaning given in article 22.1;

**West Midlands:** means the West Midlands metropolitan county and the shire counties of Herefordshire, Shropshire, Staffordshire (excluding the area for which Stoke-on-Trent City Council is the local transport authority), Warwickshire and Worcestershire; and

**writing:** means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise.

- 1.2 Unless the context otherwise requires and save as otherwise specifically provided in these Articles, words and expressions which have particular meanings in the Act shall have the same meanings in these Articles.
- 1.3 Headings in these Articles are used for convenience only and shall not affect the construction or interpretation of these Articles.
- 1.4 A reference in these Articles to an "article" is a reference to the relevant article of these Articles unless expressly provided otherwise.
- 1.5 Unless expressly provided otherwise, a reference to a statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time, taking account of:
  - (a) any subordinate legislation from time to time made under it; and
  - (b) any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts.
- 1.6 Any phrase introduced by the terms "including", "include", "in particular" or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.7 The Model Articles shall not apply to the Company.

## **2 Objects**

2.1 The Company's objects are restricted to the following:

- (a) to promote the devolution of responsibility for rail passenger services and (where appropriate) associated facilities in the West Midlands and Northamptonshire to local transport authorities or other appropriate local authorities or other bodies within that area (acting through the Company);
- (b) to manage or to assist in managing the performance of rail passenger services operating within the West Midlands and Northamptonshire pursuant to rail franchise agreements or other similar agreements;
- (c) to improve rail passenger services and associated facilities within the West Midlands and Northamptonshire; and
- (d) to develop and oversee the implementation of a long-term strategy for rail passenger services in the West Midlands and Northamptonshire as approved by the Members.

## **3 Powers**

3.1 In pursuance of the Objects, the Company has the power to:

- (a) enter into arrangements and/or agreements with the Secretary of State for Transport in relation to the provision of rail passenger services in the West Midlands and Northamptonshire and adjacent areas pursuant to rail franchises awarded by him or her;
- (b) enter into contracts for the provision of rail passenger services and associated facilities in the West Midlands and Northamptonshire (and outside of that area where associated with the provision of those services and facilities within that area);
- (c) enter into any other contracts to procure or to provide services of any kind (including on behalf of other bodies);
- (d) buy, lease or otherwise acquire and deal with any property real or personal and any rights or privileges of any kind over or in respect of any property real or personal and to improve, manage, develop, construct, repair, sell, lease, mortgage, charge, surrender or dispose of or otherwise deal with all or any part of such property and any and all rights of the Company;
- (e) borrow and raise money in such manner as the Directors shall think fit and secure the repayment of any money borrowed, raised or owing by mortgage, charge, lien or other security on the Company's property and assets;
- (f) invest and deal with the funds of the Company not immediately required for its operations in or upon such investments, securities or property as may be thought fit;
- (g) subscribe for, take, buy or otherwise acquire, hold, sell, deal with and dispose of, place and underwrite shares, stocks, debentures, debenture stocks, bonds, obligations or securities issued or guaranteed by any government or authority in any part of the world;
- (h) lend and advance money or give credit on such terms as may seem expedient and with or without security to customers and others, to enter into guarantees, contracts of indemnity and suretyships of all kinds to receive

money on deposit or loan upon such terms as the Company may approve and to secure or guarantee the payment of any sums of money or the performance of any obligation by any company, firm or person including any holding company or subsidiary;

- (i) lobby, advertise, publish, educate, examine, research and survey in respect of all matters of law, regulation, economics, accounting, governance, politics and/or other issues and to hold meetings, events and other procedures and co-operate with or assist any other body or organisation in each case in such way or by such means as may, in the opinion of the Directors, affect or advance the Objects;
- (j) pay all or any expenses incurred in connection with the promotion, formation and incorporation of the Company and to contract with any person, firm or company to pay the same;
- (k) provide and assist in the provision of money, materials or other help;.
- (l) open and operate bank accounts and other facilities for banking and draw, accept, endorse, issue or execute promissory notes, bills of exchange, cheques and other instruments;
- (m) incorporate subsidiary companies to carry on any trade; and
- (n) do all such other lawful things as are, in the opinion of the Directors, incidental or conducive to the pursuit or to the attainment of any of the Objects.

#### **4 Income**

- 4.1 Subject to article 5, the income and property of the Company shall be applied solely in promoting the Objects.
- 4.2 Subject to article 5, no dividends or bonus may be paid or capital otherwise returned to the Members, provided that this article 4 shall not prevent any payment by the Company of:
  - (a) remuneration or expenses to Directors in accordance with articles 25 and 26;
  - (b) reasonable and proper remuneration and/or expenses to any other officer or servant of the Company for any services rendered to the Company or in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company;
  - (c) any interest on money lent by any Member at a reasonable and proper rate; or
  - (d) reasonable and proper rent for premises demised or let by any Member.

#### **5 Winding Up**

- 5.1 On the winding-up or dissolution of the Company, any assets or property that remains available to be distributed or paid, shall be distributed or paid to the Members for the time being in proportion to their voting rights on a poll at general meetings of the Company (disregarding voting rights resulting from the application of article 38.3).

## **6 Guarantee**

- 6.1 The liability of each Member is limited to £1, being the amount that each Member undertakes to contribute to the assets of the Company in the event of its being wound up while he is a Member or within one year after he ceases to be a Member, for:
- (a) payment of the Company's debts and liabilities contracted before he ceases to be a Member;
  - (b) payment of the costs, charges and expenses of the winding up; and
  - (c) adjustment of the rights of the contributories among themselves.

## **PART 2 – DIRECTORS' MEETINGS AND DECISION MAKING**

### **7 Directors' General Authority**

- 7.1 Subject to the Articles (including in particular article 8) and to the provisions of the Act, the Directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company.

### **8 Members' Reserve Power And Approval Rights**

- 8.1 The Members may, by special resolution, direct the Directors to take, or refrain from taking, specified action.
- 8.2 No such special resolution invalidates anything which the Directors have done before the passing of the resolution.
- 8.3 The Directors shall ensure that the Company will not do and will not enter into any agreement to do any of the following acts or things without the prior approval of the Members by special resolution:
- (a) enter into a partnership agreement or other formal agreement with the Secretary of State for Transport providing for the involvement of the Company in the specification, letting process or management of any rail franchise agreement; and
  - (b) make any substantial amendment to any such agreement.

### **9 Directors May Delegate**

- 9.1 Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Articles:
- (a) to such person or committee;
  - (b) by such means (including by power of attorney);
  - (c) to such an extent;
  - (d) in relation to such matters; and
  - (e) on such terms and conditions;
- as they think fit.

9.2 If the Directors so specify, any such delegation may authorise further delegation of the Directors' powers by any person to whom they are delegated.

9.3 The Directors may revoke any delegation in whole or part, or alter its terms and conditions.

## **10 Committees**

10.1 Committees to which the Directors delegate any of their powers must follow procedures which are based as far as they are applicable on those provisions of the Articles which govern the taking of decisions by Directors.

10.2 The Directors may make rules of procedure for all or any committees, which prevail over rules derived from the Articles if they are not consistent with them.

## **11 Attendance Of Non-Directors At Directors' Meetings**

11.1 The Directors may from time to time invite any persons they think fit to attend Directors' meetings and to speak (but not vote) at those meetings, either in relation to individual meetings or to Directors' meetings generally.

## **12 Directors To Take Decisions Collectively**

12.1 Subject to article 12.3 any decision of the Directors must be either a majority decision at a Directors' meeting or a decision taken in accordance with article 13.

12.2 Subject to article 18 and article 24.3 each Director participating in a Directors' meeting has one vote in respect of decisions proposed to be taken at that meeting.

12.3 If:

(a) there is only one Director for the time being, and

(b) no provision of the Articles requires it to have more than one Director,

then the Director may (for so long as he remains the sole Director) take decisions without regard to any of the provisions of the Articles relating to Directors' decision-making except for the provisions of article 18 and article 8 and any other provision of the Articles requiring Directors' decisions to be approved by the Members.

## **13 Directors' Written Resolutions And Unanimous Decisions**

13.1 Any Director may propose a Directors' written resolution by giving notice in writing, setting out the wording of the proposed resolution and the time limit for adopting it, to each of the other Directors, provided that where the Company has a company secretary a Director may instead require the company secretary to circulate that notice to each of the Directors.

13.2 A Directors' written resolution circulated in accordance with article 13.1 is adopted when a majority of Eligible Directors have signed one or more copies of it and circulated these to all Directors or otherwise indicated their agreement in writing to the resolution to all Directors before the relevant time limit expires.

13.3 For the purposes of article 13.2 a Substitute Director shall not be an Eligible Director and shall not be counted in calculating whether a majority of Eligible Directors have agreed a resolution unless either (1) the Principal Director for whom he or she is a substitute has ceased to be a Director and no replacement has yet been appointed pursuant to article 22.4 or (2):

- (a) the Principal Director for whom he or she is a substitute would be entitled to vote on the relevant matter at a Directors' meeting;
- (b) there would have been no requirement pursuant to article 18.3(c) not to count that vote; and
- (c) that Principal Director does not, within the applicable time limit, sign a copy of the written resolution or indicate in writing either agreement or disagreement to the resolution;

provided in each case that there would have been no requirement pursuant to article 18.3(c) not to count the Substitute Director's vote had the resolution been adopted at a Directors' meeting.

13.4 Where article 13.3 applies the relevant Substitute Director shall be an Eligible Director for the purposes of article 13.2 in place of the Principal Director for whom he or she is a substitute.

13.5 A unanimous decision of the Directors is taken when all Eligible Directors indicate to each other by any means that they share a common view on a matter and may take the form of a resolution in writing, where each Eligible Director has signed one or more copies of it, or to which each Eligible Director has otherwise indicated agreement in writing. For the purposes of this article 13.5 a Substitute Director is not an Eligible Director except in the circumstances set out in article 24.3(e) (in which case the agreement in writing of the Principal Director for whom he or she is a substitute shall not be required for the relevant unanimous decision).

13.6 A decision may not be taken in accordance with this article 13 if the Eligible Directors taking that decision would not have formed a quorum at a Directors' meeting.

#### **14 Calling A Directors' Meeting**

14.1 Unless otherwise agreed by the Directors, Directors' meetings shall be held in March, June, September and December of each year or otherwise at least four times per year with a period of not less than 10 weeks between any two meetings.

14.2 Any Director may call a Directors' meeting by giving not less than 5 Business Days' notice (or such lesser notice as all the Directors, excluding Substitute Directors, may agree) to the Directors or by authorising the company secretary (if any) to give such notice.

14.3 Notice of a Directors' meeting shall be given to each Director in writing.

14.4 A Director who is absent from the UK and who has no registered address in the UK shall not be entitled to notice of the Directors' meeting.

14.5 Notice of any Directors' meeting must indicate:

- (a) its proposed date and time;
- (b) where it is to take place; and
- (c) if it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.

14.6 Notice of any Directors' meeting must be accompanied by an agenda specifying reasonably clearly the matters to be raised at the meeting.



- 14.7 Notice of a Directors' meeting need not be given to Directors who waive their entitlement to notice of that meeting, by giving notice to that effect to the Company before or up to 7 days after the date of the meeting. Where such notice is given after the meeting has been held, that does not affect the validity of the meeting, or of any business conducted at it.

## **15 Participation In Directors' Meetings**

- 15.1 Subject to the Articles, Directors participate in a Directors' meeting, or part of a Directors' meeting, when:

- (a) the meeting has been called and takes place in accordance with the Articles, and
- (b) they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.

- 15.2 In determining whether Directors are participating in a Directors' meeting, it is irrelevant where any Director is or how they communicate with each other.

- 15.3 If all the Directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

## **16 Quorum For Directors' Meetings**

- 16.1 Subject to article 16.3, the quorum for the transaction of business at a meeting of Directors shall be such number of Eligible Directors as is equal to the number of Directors that constitutes a majority in number of the Directors for the time being appointed (excluding any Substitute Director except where the Principal Director for whom the relevant Substitute Member acts as substitute has ceased to be a Director and has not been replaced pursuant to article 22.4).

- 16.2 At a Directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.

- 16.3 For the purposes of any meeting (or part of a meeting) held pursuant to article 18 to authorise a Conflict, if there are less Eligible Directors than the quorum required by article 16.1 due to the number of Interested Directors (as defined in article 18.2) in relation to that Conflict, then the quorum for such meeting (or part of a meeting) shall be the number of such Eligible Directors.

## **17 Chairing Of Directors' Meetings**

- 17.1 The Directors shall appoint one of the Directors as the Chair of the Company and one of the Directors as the Vice-Chair of the Company, such appointments to take effect (subject to early termination in accordance with article 17.2) either until the next annual general meeting of the Company (if the Company holds annual general meetings) or until the start of the first Directors' meeting to take place after the first anniversary of his or her appointment (if the Company does not hold annual general meetings), provided that:

- (a) where the Chair is a Director appointed by an Associate Member then the Vice-Chair must be a Director appointed by an LTA Member (and vice versa); and
- (b) the position of Chair and the position of Vice-Chair shall alternate between a Director appointed by an Associate Member and a Director appointed by an LTA Member.

- 17.2 The Directors may terminate the appointment of the Chair or Vice-Chair of the Company at any time provided they appoint a replacement.
- 17.3 The Chair (or the Vice-Chair if the Chair is not participating in the relevant meeting) shall chair Director's meetings provided that if neither the Chair nor the Vice-Chair is participating in a Directors' meeting within ten minutes of the time at which it was due to start, the participating Directors shall appoint one of themselves to chair it.
- 17.4 The chair of a Directors' meeting shall not have a casting vote in the event of an equality of votes cast for and against a proposal at the meeting.

## **18 Directors' Conflicts Of Interest**

- 18.1 A Director, notwithstanding his office, may be an elected member of, a director or other officer of, employed by, or otherwise interested in, the Member who appointed him or her as a Director of the Company and no authorisation under this article 18 shall be necessary in respect of any such interest. Any Director shall be entitled from time to time to disclose to the Member who appointed him or her such information concerning the business and affairs of the Company as he or she shall at his or her discretion see fit.
- 18.2 The Directors may, in accordance with the requirements set out in this article, authorise any Conflict proposed to them by any Director which would, if not authorised, involve a Director (an Interested Director) breaching his duty under section 175 of the Act to avoid conflicts of interest.
- 18.3 Any authorisation under this article 18 shall be effective only if:
- (a) to the extent permitted by the Act, the matter in question shall have been proposed by any Director for consideration in the same way that any other matter may be proposed to the Directors under the provisions of these Articles;
  - (b) any requirement as to the quorum for consideration of the relevant matter is met without counting the Interested Director;
  - (c) the matter was agreed to without the Interested Director (or the Substitute Director for that Interested Director) voting or would have been agreed to if their vote had not been counted; and
  - (d) in the case of a Conflict arising as a result of a personal financial interest of the relevant Director or a connected person, the Company by ordinary resolution also authorises that Conflict.
- 18.4 In article 18.3(d) "connected person" means:
- (a) a child, parent, grandchild, grandparent, brother or sister of the relevant Director;
  - (b) the spouse or civil partner of the relevant Director or of any person falling within paragraph (a) above;
  - (c) a person carrying on business in partnership with the relevant Director or with any person falling within paragraph (a) or (b) above;
  - (d) an institution which is controlled:
    - (i) by the relevant Director or any connected person falling within paragraph (a), (b) or (c) above; or

- (ii) by two or more persons falling within subparagraph (i), when taken together; or
  - (e) a body corporate in which:
    - (i) the relevant Director or any connected person falling within paragraphs (a), (b) or (c) above has a substantial interest; or
    - (i) two or more persons falling within subparagraph (i) who, when taken together, have a substantial interest.
- 18.5 Any authorisation of a Conflict under this article 18 may (whether at the time of giving the authorisation or subsequently):
- (a) extend to any actual or potential conflict of interest which may reasonably be expected to arise out of the matter or situation so authorised;
  - (b) provide that the Interested Director be excluded from the receipt of documents and information and the participation in discussions (whether at meetings of the Directors or otherwise) related to the Conflict;
  - (c) provide that the Interested Director shall or shall not be an Eligible Director in respect of any future decision of the Directors in relation to any resolution related to the Conflict;
  - (d) impose upon the Interested Director such other terms for the purposes of dealing with the Conflict as the Directors think fit; and
  - (e) permit the Interested Director to absent himself from the discussion of matters relating to the Conflict at any meeting of the Directors and be excused from reviewing papers prepared by, or for, the Directors to the extent they relate to such matters.
- 18.6 Where the Directors authorise a Conflict, the Interested Director shall be obliged to conduct himself in accordance with any terms and conditions imposed by the Directors in relation to the Conflict.
- 18.7 The Directors may revoke or vary such authorisation at any time, but this shall not affect anything done by the Interested Director prior to such revocation or variation in accordance with the terms of such authorisation.
- 18.8 A Director is not required, by reason of being a Director (or because of the fiduciary relationship established by reason of being a Director), to account to the Company for any remuneration, profit or other benefit which he derives from or in connection with a relationship involving a Conflict which has been authorised by the Directors in accordance with these Articles or by the Company in general meeting (subject in each case to any terms, limits or conditions attaching to that authorisation) and no contract shall be liable to be avoided on such grounds.
- 18.9 Subject to sections 177(5), 177(6), 182(5) and 182(6) of the Act and to any voting restrictions or other terms imposed by the Directors pursuant to article 18.5 when authorising the relevant Conflict under article 18.2, and provided he or she has declared the nature and extent of his or her interest in accordance with the requirements of the Act, a Director who is in any way, whether directly or indirectly, interested in an existing or proposed transaction or arrangement with the Company:
- (a) may be a party to, or otherwise interested in, any transaction or arrangement with the Company or in which the Company is otherwise (directly or indirectly) interested;

- (b) shall be an Eligible Director for the purposes of any proposed decision of the Directors (or committee of Directors) in respect of such existing or proposed transaction or arrangement in which he or she is interested;
  - (c) shall be entitled to vote at a meeting of Directors (or of a committee of the Directors) or participate in any unanimous decision, in respect of such existing or proposed transaction or arrangement in which he or she is interested;
  - (d) may be a Director or other officer of, or employed by, or a party to a transaction or arrangement with, or otherwise interested in, any body corporate in which the Company is otherwise (directly or indirectly) interested; and
  - (e) shall not, save as he may otherwise agree, be accountable to the Company for any benefit which he (or a person connected with him (as defined in section 252 of the Act)) derives from any such transaction or arrangement or from any such office or employment or from any interest in any such body corporate and no such transaction or arrangement shall be liable to be avoided on the grounds of any such interest or benefit nor shall the receipt of any such remuneration or other benefit constitute a breach of his duty under section 176 of the Act.
- 18.10 Subject to article 18.11, if a question arises at a meeting of Directors or of a committee of Directors as to the right of a Director to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the chair of the meeting whose ruling in relation to any Director other than the chair of the meeting is to be final and conclusive.
- 18.11 If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the chair of the meeting, the question is to be decided by a decision of the Directors at that meeting, for which purpose the chair of the meeting is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.
- 18.12 Where a Conflict has been authorised by the Directors in accordance with article 18.2 or is permitted by article 18.1 then where the Director concerned obtains or has obtained (through his involvement in the Conflict and otherwise than through his or her position as a Director) information that is confidential to a third party (including any Member) the Director shall not be obliged to disclose that information to the Company or to use it in relation to the Company's affairs where to do so would amount to a breach of a duty or obligation of confidence owed by the Director to the relevant third party.

## **19 Records Of Decisions To Be Kept**

- 19.1 In addition to ensuring that the Company retains a copy of the minutes of each Directors' meeting for ten years from the date of the meeting in accordance with section 248 of the Act, the Directors shall ensure that the Company keeps a record, in writing, for at least ten years from the date of the decision recorded, of every unanimous or majority decision taken by the Directors.
- 19.2 Where decisions of the Directors are taken by electronic means, such decisions shall be recorded by the Directors in permanent form, so that they may be read with the naked eye.

## **20 Directors' Discretion To Make Further Rules**

- 20.1 Subject to the Articles, the Directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to Directors.

## **PART 3 - APPOINTMENT OF DIRECTORS AND COMPANY SECRETARY**

## **21 Number Of Directors**

- 21.1 Unless otherwise determined by special resolution, the number of Directors (other than Substitute Directors) shall be subject to a maximum equal to one less than the number of Members of the Company for the time being and shall not be less than three.

## **22 Appointment And Removal Of Directors And Substitute Directors**

- 22.1 Each Member (other than the ITA) and each Associate Member shall be entitled to appoint one person to be a Director of the Company (Principal Director) and a further person as a substitute for that Director (Substitute Director), subject to them being willing to act as Directors and permitted by law to do so.
- 22.2 Any Director appointed pursuant to article 22.1 may at any time be removed from office by the Member who appointed him or her.
- 22.3 Any appointment or removal of a Director pursuant to this article 22 shall be in writing and signed by or on behalf of the relevant Member and served on the Company at its registered office, marked for the attention of the company secretary or the Directors or delivered to a duly constituted Directors' meeting as well as (in the case of removal of a Director) on the relevant Director. Any such appointment or removal shall take effect when received by the Company or at such later time as shall be specified in such notice.
- 22.4 If any Director shall die or be removed from or vacate office for any cause, the Member who appointed him or her shall be entitled to appoint another person in his place pursuant to article 22.1.
- 22.5 No Director shall be appointed or removed otherwise than pursuant to these Articles, save as provided by law.

## **23 Termination Of Directors' Appointments**

- 23.1 A person ceases to be a Director with immediate effect where:
- (a) the Member who appointed that person pursuant to article 22.1 has ceased to be a Member of the Company;
  - (b) the Director was an elected member of the Member who appointed him or her (including by being an elected mayor) and has ceased to be such an elected member;
  - (c) (in the case of a Director appointed by an Associate Member) article 30.4 applies;
  - (d) that person dies or is removed from office pursuant to article 22.2;
  - (e) that person ceases to be a Director by virtue of any provision of the Act or is prohibited from being a Director by law;

- (f) a bankruptcy order is made against that person;
- (g) a composition is made with that person's creditors generally in satisfaction of that person's debts; or
- (h) notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms.

## **24 Rights And Responsibilities Of Substitute Directors**

24.1 The role of a Substitute Director shall generally be, in relation to the taking of decisions by the Directors, to exercise the powers of the Principal Director for whom they have been appointed as a substitute and to carry out his or her responsibilities in the event of his or her absence or non-participation.

24.2 Except as the Articles otherwise provide, Substitute Directors:

- (a) are deemed for all purposes to be Directors;
- (b) are liable for their own acts and omissions;
- (c) are subject to the same restrictions as the Principal Directors for whom they act as substitutes; and
- (d) are not deemed to be agents of or for the Principal Directors for whom they act as substitutes;

and, in particular (without limitation), each Substitute Director shall be entitled to receive notice of all Directors' meetings and of all meetings of committees of Directors of which the Principal Director for whom he or she acts as substitute is a member.

24.3 A Substitute Director:

- (a) unless otherwise agreed by the relevant Directors' meeting, may only participate in a Directors' meeting or a committee of Directors if the Principal Director for whom he or she acts as substitute is not participating in the meeting;
- (b) may only vote on a resolution taken by a Directors' meeting or a committee of Directors if the Principal Director for whom he or she acts as substitute is not participating in the meeting;
- (c) may only be counted as participating for the purposes of determining whether a quorum is present if the Principal Director for whom he or she acts as substitute is not participating in the relevant Directors' or committee of Directors' meeting;]
- (d) may only participate in adopting a Directors' written resolution pursuant to article 13.2 where permitted by article 13.3; and
- (e) may only participate in a unanimous decision of the Directors pursuant to article 13.5 if:
  - (i) the Principal Director for whom he or she acts as substitute is an Eligible Director in relation to that decision and does not indicate in writing either agreement or disagreement to the decision; or

- (ii) that Principal Director has ceased to be a Director and no replacement has yet been appointed pursuant to article 22.4.

24.4 A Substitute Director may be paid expenses and may be indemnified by the Company to the same extent as any Principal Director but shall not be entitled to receive any remuneration from the Company for serving as a Substitute Director except such part (if any) of the remuneration otherwise payable to the Principal Director for whom he or she acts as substitute as that Principal Director may by notice in writing to the Company from time to time direct.

## **25 Directors' Remuneration**

25.1 Directors may undertake any services for the Company that the Directors decide.

25.2 Subject to article 25.3, Directors are entitled to such reasonable and proper remuneration as the Directors determine:

- (a) for their services to the Company as Directors, and
- (b) for any other service which they undertake for the Company.

25.3 A Director who is for the time being an employee or an elected member of a Member (including by being an elected mayor) may not receive any remuneration pursuant to article 25.2 for his or her services to the Company as a Director.

25.4 Subject to the Articles, a Director's remuneration may:

- (a) take any form, and
- (b) include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that Director.

25.5 Unless the Directors decide otherwise, Directors' remuneration accrues from day to day.

25.6 Unless the Directors decide otherwise, Directors are not accountable to the Company for any remuneration which they receive as Directors or other officers or employees of the Company's subsidiaries or of any other body corporate in which the Company is interested.

## **26 Directors' Expenses**

26.1 Subject to article 26.2 the Company may pay any reasonable expenses which the Directors and the company secretary (where applicable) properly incur in connection with their attendance at:

- (a) meetings of Directors or committees of Directors,
- (b) general meetings, or
- (c) separate meetings of the holders of debentures of the Company,

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company.

26.2 In the case of a Director who is for the time being an elected member of a Member (including by being an elected mayor) any expenses paid pursuant to article 26.1 in respect of travelling or subsistence shall not exceed the maximum amount of

travelling or subsistence allowances which would for the time being be payable to that Director by the relevant Member if the duties in respect of which such expenses are paid were approved duties for the purposes of section 174 of the Local Government Act 1972.

## **27 Secretary**

- 27.1 The Directors may appoint any person who is willing to act as the company secretary for such term, at such remuneration and upon such conditions as they may think fit and from time to time remove such person and, if the Directors so decide, appoint a replacement, in each case by a decision of the Directors.

## **PART 4 – MEMBERSHIP**

### **28 Membership Categories And Admission Of Members**

- 28.1 There are two categories of membership having the differing rights set out in these Articles as follows:

- (a) LTA Members, being members of the Company who are local transport authorities; and
- (b) Associate Members, being members of the Company who are not local transport authorities.

### **29 Admission of Members**

- 29.1 Except with the prior approval of the Members by special resolution only the following shall be entitled to be admitted as members of the Company:

- (a) the ITA (as an LTA Member);
- (b) Herefordshire Council (as an LTA Member);
- (c) Northamptonshire County Council (as an LTA Member);
- (d) Shropshire Council (as an LTA Member);
- (e) Staffordshire County Council (as an LTA Member);
- (f) Borough of Telford & Wrekin (as an LTA Member);
- (g) Warwickshire County Council (as an LTA Member);
- (h) Worcestershire County Council (as an LTA Member);
- (i) Birmingham City Council (as an Associate Member);
- (j) Coventry City Council (as an Associate Member);
- (k) Dudley Metropolitan Borough Council (as an Associate Member);
- (l) Sandwell Metropolitan Borough Council (as an Associate Member);
- (m) Solihull Metropolitan Borough Council (as an Associate Member);



- (n) Walsall Metropolitan Borough Council (as an Associate Member); and
  - (o) Wolverhampton City Council (as an Associate Member).
- 29.2 No person shall become a Member unless that person has completed an application for membership in a form approved by the Directors and that application has been approved by the Directors (provided that the applications for membership of the prospective LTA Members and Associate Members listed in article 29.1 shall not require any such approval).
- 30 Termination Of Membership And Change Of Membership Status**
- 30.1 Members may terminate their membership of the Company by giving 7 days' notice to the Company in writing.
- 30.2 Members may not transfer their membership and their membership shall terminate automatically on:
- (a) the Member's death or bankruptcy (in the case of a natural person);
  - (b) the Member going into receivership, administrative receivership, administration, liquidation or other arrangement for the winding up of a company (in the case of a company); or
  - (c) the Member ceasing to exist (in the case of a public authority) save where another authority inherits substantially the whole of their statutory functions and the Member's membership is transferred to that other authority by means of a statutory transfer scheme or otherwise by operation of law (including, for the avoidance of doubt where the statutory functions and membership of the ITA is transferred to a combined authority).
- 30.3 Where an LTA Member ceases to be a local transport authority (other than where this occurs as a result of legislative change that does not remove from the LTA Member the functions it had by reason of being named as a local transport authority in section 108 of the Transport Act 2000) the relevant LTA Member shall become an Associate Member.
- 30.4 Where an Associate Member is a constituent council of the ITA (or of such other authority to whom the ITA's membership is transferred as permitted by article 30.2(c)) and ceases to be such a constituent council then the Associate Member shall cease to have the right to appoint and remove Directors pursuant to article 22.1 and any persons appointed as Directors by that Associate Member under article 22.1 shall cease to be Directors.

## **31 Expulsion Of Members**

- 31.1 Where the Members have by special resolution under article 29.1 authorised the admittance as a Member of a person or body that is not a local authority, the Directors may terminate the membership of that Member without the Member's consent by giving written notice to the Member where, in the reasonable opinion of the Directors:
- (a) the Member is guilty of conduct which has or is likely to have a serious adverse effect on the Company or bring the Company or any or all of the Members and Directors into disrepute; or
  - (b) the Member has acted or has threatened to act in a manner which is contrary to the interests of the Company as a whole; or

- (c) the Member has failed to observe the terms of these Articles.
- 31.2 Any notice to a Member given under article 31.1 must give the Member the opportunity to be heard in writing or in person as to why the Member's membership should not be terminated. The Directors must consider any representations made by the Member and inform the Member of their decision following such consideration. There shall be no right to appeal from a decision of the Directors to terminate the membership of a Member.
- 31.3 A Member whose membership is terminated under this Article 31 shall not be entitled to a refund of any subscription or membership fee and shall remain liable to pay to the Company any subscription or other sum owed by the Member.

## **PART 5 – MEMBER’S MEETINGS**

### **32 Calling Of General Meetings**

- 32.1 The Directors may, whenever they think fit, and shall on requisition in accordance with the Act, proceed to convene a general meeting. If there are not sufficient Directors to call a general meeting then any Director or Member may call a general meeting.
- 32.2 A general meeting shall be called by at least fourteen days notice (excluding the day on which the notice is served or deemed to be served and the day on which the meeting is to be held) unless Members who together hold at least 90% of the voting rights at general meetings (disregarding voting rights resulting from the application of article 38.3) agree to the holding of the general meeting on shorter notice provided that where a resolution proposed to be considered at a general meeting requires special notice in accordance with the Act the meeting shall be called by at least twenty eight days notice (excluding the day on which the notice is served or deemed to be served and the day on which the meeting is to be held).
- 32.3 Every notice calling a general meeting shall:
  - (a) specify the place, date and time of the meeting;
  - (b) specify the general nature of the business to be transacted at the meeting;
  - (c) set out the text of all resolutions to be considered by the meeting and indicate in each case whether it is proposed as an ordinary resolution or as a special resolution;
  - (d) include with reasonable prominence a statement that a Member entitled to attend and vote is entitled to a proxy to exercise all or any of their rights to attend, speak and vote and that a proxy need not be a Member; and
  - (e) set out the addresses to which any proxy notice is to be sent in accordance with article 41 (which shall include an e-mail address for delivery of proxy notices in electronic form).
- 32.4 Every Member and Director shall be entitled to receive notices of general meetings, which shall also be given to the auditors for the time being of the Company.
- 32.5 The accidental omission to give notice of any general meeting or the non-receipt of such notice by any person entitled to receive the same shall not invalidate the proceedings of that meeting.

### **33 Attendance And Speaking At General Meetings**

- 33.1 A person is able to exercise the right to speak at a general meeting when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.
- 33.2 A person is able to exercise the right to vote at a general meeting when:
- (a) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting, and
  - (b) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- 33.3 The Directors may make whatever arrangements they consider appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- 33.4 In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- 33.5 Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

### **34 Quorum For General Meetings**

- 34.1 The quorum for a general meeting shall be such Members (present in person, by proxy or by authorised representative in accordance with section 323 of the Act) who together hold a majority of the voting rights at the general meeting (disregarding voting rights resulting from the application of article 38.3).
- 34.2 No business other than the appointment of the chair of the meeting is to be transacted at a general meeting if the persons attending it do not constitute a quorum.

### **35 Chairing General Meetings**

- 35.1 The Chair appointed pursuant to article 17.1 (or if not present and willing to do so, the Vice-Chair appointed pursuant to that article) shall chair general meetings if present and willing to do so.
- 35.2 If neither the Chair nor the Vice-Chair are willing to chair the meeting or are not present within 10 minutes of the time at which a meeting was due to start:
- (a) the Directors present, or
  - (b) (if no Directors are present), the meeting,
- must appoint a Director or Member (or Member representative) to chair the meeting, and the appointment of the chair of the meeting must be the first business of the meeting.

### **36 Attendance And Speaking By Directors And Non-Members**

- 36.1 Directors may attend and speak at general meetings, whether or not they are Members or appointed proxies or representatives of Members.
- 36.2 The chair of the meeting may permit other persons who are not Members or representatives of Members to attend and speak at a general meeting.

### **37 Adjournment**

- 37.1 If the persons attending a general meeting within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the chair of the meeting must adjourn it.
- 37.2 The chair of the meeting may adjourn a general meeting at which a quorum is present if:
- (a) the meeting consents to an adjournment, or
  - (b) it appears to the chair of the meeting that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.
- 37.3 The chair of the meeting must adjourn a general meeting if directed to do so by the meeting.
- 37.4 When adjourning a general meeting, the chair of the meeting must:
- (a) either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the Directors, and
  - (b) have regard to any directions as to the time and place of any adjournment which have been given by the meeting.
- 37.5 If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the Company must give at least 7 days' notice of it (excluding day on which the notice is given and the day of the adjourned meeting):
- (a) to the same persons to whom notice of the Company's general meetings is required to be given, and
  - (b) containing the same information which such notice is required to contain.
- 37.6 No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

### **38 Voting At General Meetings**

- 38.1 All votes at general meetings shall be taken by way of a poll except where a resolution is passed unanimously by a show of hands of the Members entitled to vote on the resolution and present at the general meeting (either in person, by proxy or by authorised representative) and a poll vote has not been duly demanded in accordance with the Articles.
- 38.2 Subject to article 38.3, on a poll vote:
- (a) the ITA or (where applicable) such Member to whom the ITA's membership is transferred as permitted by article 30.2 shall have seven votes provided that, where the ITA's membership has been so transferred and the number of constituent councils of the transferee Member is not seven, the transferee Member shall have one vote for each constituent council for whose area it is the local transport authority;
  - (b) each LTA Member other than the ITA or Member referred to in paragraph (a) shall have one vote; and
  - (c) Associate Members shall not have a vote.

- 38.3 On a resolution to remove a Director appointed by a Member pursuant to article 22.1, the Member who appointed that Director (including where that Member is an Associate Member) shall have such number of votes as shall be required to enable that Member to prevent the passing of that resolution.
- 38.4 In accordance with the Act, the chair of a general meeting shall not have a casting vote in the event of an equality of votes cast for and against a resolution.
- 38.5 No objection may be raised to the qualification of any person voting at a general meeting except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting is valid. Any such objection must be referred to the chair of the meeting whose decision is final.

### **39 Poll Votes**

- 39.1 A poll may be demanded at any general meeting by any qualifying person (as defined in section 318 of the Act) present and entitled to vote at the meeting.
- 39.2 A poll on a resolution may be demanded:
- (a) in advance of the general meeting where it is to be put to the vote, or
  - (b) at a general meeting, either before a show of hands on that resolution or immediately after the result of a show of hands on that resolution is declared.
- 39.3 A demand for a poll may be withdrawn if—
- (a) the poll has not yet been taken, and
  - (b) the chair of the meeting consents to the withdrawal;
- and a demand so withdrawn shall not invalidate the result of a show of hands declared before the demand was made.
- 39.4 Polls must be taken immediately and in such manner as the chair of the meeting directs.

### **40 Authorised Representatives Of Members**

- 40.1 Where a Member that is a corporation (whether or not a public authority or a company) by resolution of its directors or other governing body authorises a person to act as its representative and to exercise its voting rights and other powers at a general meeting in accordance with section 323 of the Act then a Director, the company secretary or such other person as the Directors have authorised so to require, may require the representative to produce a certified copy of that resolution.

### **41 Proxies**

- 41.1 Proxies may only validly be appointed by a notice in writing (a **proxy notice**) which:
- (a) states the name and address of the Member appointing the proxy;
  - (b) identifies the person appointed to be that Member's proxy and the general meeting in relation to which that person is appointed;
  - (c) is signed by or on behalf of the Member appointing the proxy, or is authenticated in such manner as the Directors may determine; and

- (d) is delivered to the Company in accordance with the Articles not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in accordance with any instructions contained in the notice of the general meeting (or adjourned meeting) to which they relate;

and a proxy notice which is not delivered in such manner shall be invalid, unless the Directors, in their discretion, accept the notice at any time before the meeting.

- 41.2 The Directors may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.
- 41.3 Proxy notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.
- 41.4 Unless a proxy notice indicates otherwise, it must be treated as:
  - (a) allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting, and
  - (b) appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.
- 41.5 A Member who is entitled to attend, speak or vote at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid proxy notice has been delivered to the Company by or on behalf of that Member.
- 41.6 An appointment under a proxy notice may be revoked by delivering to the Company a notice in writing given by or on behalf of the Member by whom or on whose behalf the proxy notice was given.
- 41.7 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

## **42 Amendments To Resolutions**

- 42.1 An ordinary resolution to be proposed at a general meeting may be amended by ordinary resolution if:
  - (a) notice of the proposed amendment is given to the Company in writing by a person entitled to vote at the general meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the chair of the meeting may determine), and
  - (b) the proposed amendment does not, in the reasonable opinion of the chair of the meeting, materially alter the scope of the resolution.
- 42.2 A special resolution to be proposed at a general meeting may be amended by ordinary resolution, if:
  - (a) the chair of the meeting proposes the amendment at the general meeting at which the resolution is to be proposed, and
  - (b) the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 42.3 If the chair of a general meeting, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the chair's error does not invalidate the vote on that resolution.

## **PART 6 – ADMINISTRATIVE ARRANGEMENTS**

### **43 Means Of Communication To Be Used**

- 43.1 Subject to the Articles, anything sent or supplied by or to the Company under the Articles may be sent or supplied in any way in which the Act provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company.
- 43.2 Subject to the Articles, any notice or document to be sent or supplied to a Director in connection with the taking of decisions by Directors may also be sent or supplied by the means by which that Director has asked to be sent or supplied with such notices or documents for the time being.
- 43.3 A Director may agree with the Company that notices or documents sent to that Director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.
- 43.4 Any notice, document or other information shall be deemed served on or delivered to the intended recipient:
- (a) if properly addressed and sent by prepaid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted;
  - (b) if sent by reputable international overnight courier addressed to the intended recipient (provided that delivery in at least five Business Days was guaranteed at the time of sending and the sending party receives a confirmation of delivery from the courier service provider), five Business Days after posting either to an address outside the United Kingdom or from outside the United Kingdom to an address within the United Kingdom;
  - (c) if properly addressed and delivered by hand, when it was given or left at the appropriate address; and
  - (d) if properly addressed and sent or supplied by electronic means, one hour after the document or information was sent or supplied;
  - (e) if sent or supplied by means of a website the later of the time when the material is first made available on the website and the one hour after the recipient receives notice of the fact that the material is available on the website.

For the purposes of this article, no account shall be taken of any part of a day that is not a Business Day.

- 43.5 In proving that any notice, document or other information was properly addressed, it shall suffice to show that the notice, document or other information was addressed to an address permitted for the purpose by the Act.

### **44 Company Seal**

- 44.1 Any common seal may only be used by the authority of the Directors.
- 44.2 The Directors may decide by what means and in what form any common seal is to be used.

44.3 Unless otherwise decided by the Directors, if the Company has a common seal and it is affixed to a document, the document must also be signed by at least one authorised person in the presence of a witness who attests the signature.

44.4 For the purposes of this article, an authorised person is:

- (a) any Director;
- (b) the company secretary (if any); or
- (c) any person authorised by the Directors for the purpose of signing documents to which the common seal is applied.

#### **45 Application of the Local Authorities (Companies) Order 1995**

45.1 For so long as the Company is a controlled company and/or a regulated company for the purposes of the Local Authorities (Companies) Order 1995 the Company shall comply with any applicable requirements of that Order including where applicable in relation to:

- (a) provision of information to auditors of Members who are local authorities;
- (b) provision of information to elected members of Members;
- (c) obtaining the Audit Commission's consent to appointment of the Company's auditors; and
- (d) making minutes of general meetings available for inspection by members of the public.

### **Directors' Indemnity And Insurance**

#### **46 Indemnity And Insurance**

46.1 Subject to article 46.2, but without prejudice to any indemnity to which a relevant officer is otherwise entitled:

- (a) each relevant officer shall be indemnified out of the Company's assets against all costs, charges, losses, expenses and liabilities incurred by him as a relevant officer in the actual or purported execution and/or discharge of his duties, or in relation to them including any liability incurred by him in defending any civil or criminal proceedings, in which judgment is given in his favour or in which he is acquitted or the proceedings are otherwise disposed of without any finding or admission of any material breach of duty on his part or in connection with any application in which the court grants him, in his capacity as a relevant officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the Company's (or any associated company's) affairs; and
- (b) the Company may provide any relevant officer with funds to meet expenditure incurred or to be incurred by him in connection with any proceedings or application referred to in paragraph (a) and otherwise may take any action to enable any such relevant officer to avoid incurring such expenditure.

46.2 Article 46.1 does not authorise any indemnity to the extent that such indemnity would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law and any such indemnity is limited accordingly.



46.3 The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant officer in respect of any relevant loss.

46.4 In this article 46:

- (a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
- (b) a "relevant loss" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the Company, any associated company or any pension fund or employees' share scheme of the Company or associated company; and
- (c) a "relevant officer" means any Director or other officer of the Company or an associated company, but excluding any person engaged by the Company (or associated company) as auditor (whether or not he is also a Director or other officer), to the extent he acts in his capacity as auditor).

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	West Midlands Rail Ltd
<b>Directorate</b>	Economy
<b>Service Area</b>	Transportation Services Growth And Transportation
<b>Type</b>	New/Proposed Policy
<b>EA Summary</b>	The devolved West Midlands local passenger rail franchise, which West Midlands Rail Ltd would jointly manage in partnership with the Department for Transport, will have a significant impact on a number of wards within the City.
<b>Reference Number</b>	EA000834
<b>Task Group Manager</b>	Peter.A.Bethell@birmingham.gov.uk
<b>Task Group Members</b>	Tim.Mitchell@birmingham.gov.uk, david.i.harris@birmingham.gov.uk, philip.edwards@birmingham.gov.uk
<b>Date Approved</b>	2015-10-16 01:00:00 +0100
<b>Senior Officer</b>	philip.edwards@birmingham.gov.uk
<b>Quality Control Officer</b>	Lesley.Edwards@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Policy.

## 2 Overall Purpose

### 2.1 What the Activity is for

What is the purpose of this Policy and expected outcomes?	<p>The devolved West Midlands local passenger rail franchise, which West Midlands Rail Ltd would jointly manage (on behalf of the City Council) in partnership with the Department for Transport, will have a significant impact on a number of wards within the City.</p> <p>The purpose of the report is to approve the proposed governance arrangements for the development and oversight of the West Midlands Rail Franchise through West Midlands Rail Limited (WMR Ltd), and to approve the City Councils membership of WMR Ltd and the appointment of directors to the board of WMR Ltd.</p>
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	Yes

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	Yes
Will the policy have an impact on wider community?	Yes

### 2.3 Analysis on Initial Assessment

An initial Equalities Analysis has been carried out, and no adverse effects have been identified from the actions recommended in the report.

This report is purely concerned with the proposed governance arrangements for the development and oversight of the West Midlands Rail Franchise through West Midlands Rail Limited (WMR Ltd). When subsequent practical issues, such as fares and ticketing, disabled access, and the staffing of stations are considered, these will be the subject of separate Equalities Analysis where appropriate.

No external consultation is being undertaken with regard to the establishment of West Midlands Rail Ltd as this is considered to be a procedural governance matter. However, it is expected that public consultation will be undertaken by the Department for Transport and WMR regarding the specification of the new rail franchise, during 2016. This will be the subject of a separate City Council decision making report.

### **3 Concluding Statement on Full Assessment**

An initial Equalities Analysis has been carried out, and no adverse effects have been identified from the actions recommended in the report.

This report is purely concerned with the proposed governance arrangements for the development and oversight of the West Midlands Rail Franchise through West Midlands Rail Limited (WMR Ltd). When subsequent practical issues, such as fares and ticketing, disabled access, and the staffing of stations are considered, these will be the subject of separate Equalities Analysis where appropriate.

No external consultation is being undertaken with regard to the establishment of West Midlands Rail Ltd as this is considered to be a procedural governance matter. However, it is expected that public consultation will be undertaken by the Department for Transport and WMR regarding the specification of the new rail franchise, during 2016. This will be the subject of a separate City Council decision making report.

### **4 Review Date**

19/09/16

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>Chief Executive</b>	
<b>Date of Decision:</b>	<b>17 November 2015</b>	
<b>SUBJECT:</b>	<b>FUTURE COUNCIL PROGRAMME</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000706/2015</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s) or Relevant Executive Member</b>	<b>Cllr Ian Ward, Deputy Leader and Cllr Stewart Stacey, Cabinet Member for Commissioning, Contracting and Improvement</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources</b>	
<b>Wards affected:</b>	<b>All</b>	

<b>1.</b>	<b>Purpose of report:</b>
1.1	The Future Council report to Cabinet on 20 April 2015 provided an overview of the programme at the design stage. The report to Cabinet on 29 June 2015 then provided the detail of the whole council strategic framework outlining programme mobilisation, delivery and the underpinning resource plan.
1.2	The June report explained that the City Council was in the process of bidding to the Department for Communities and Local Government (DCLG) for funding for additional capacity and resources to deliver programme outcomes. The City Council has since been awarded a grant of £4.4m.
1.3	This report updates the June report and proposes a new resource plan in response to the additional DCLG funding since secured. This plan builds forward from the previously approved resources.
1.4	To seek authority to award a contract in relation to immediate requirements and for the Interim Director Service Delivery/ Strategic Director for Change and Corporate Services to progress further procurement activity to secure the necessary human and organisation resources to deliver the programme.

<b>2.</b>	<b>Decision(s) recommended:</b>
	That Cabinet:
2.1	Notes the Council's acceptance of the DCLG grant of £4.4m to assist the Council in delivering its medium-term Future Council plan.
2.2	Delegates authority to the Interim Director Service Delivery/ Strategic Director for Change and Corporate Services, in conjunction with the Assistant Director of Procurement, the Director of Finance (or their delegate) and the Director of Legal and Democratic Services (or their delegate) to approve the commencement of tendering activity for the engagement of interim resources and consultants in accordance with the requirements

and approach outlined in Appendix 1 of this report.

- 2.3 Delegates authority to the Interim Director Service Delivery/ Strategic Director for Change and Corporate Services, in conjunction with the Assistant Director of Procurement, the Director of Finance (or their delegate) and the Director of Legal and Democratic Services (or their delegate) to award contracts and place orders following the completion of the tendering processes, up to the combined value of £2.4m, in addition to the £2m of expenditure already approved by Cabinet in June.
- 2.4 Authorise the Director of Legal and Democratic Services to draft, negotiate and execute all agreements necessary to implement the above recommendations.

<b>Lead Contact Officer:</b>	Sarah Homer, Interim Director - Service Delivery
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<b>Telephone No:</b>	0121 303 2793 <b>Mobile:</b> 07912 793531
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<b>E-mail address:</b>	<a href="mailto:sarah.homer@birmingham.gov.uk">sarah.homer@birmingham.gov.uk</a>
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### 3. Consultation

#### 3.1 Internal

The strategic framework and resource plan was created in partnership with Cabinet Members and the Corporate Leadership Team and was shared with Group Leaders from the main political parties during the design phase. This document provides a revised resource plan for approval.

#### 3.2 External

None

### 4. Compliance Issues:

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

- 4.1.1 The agreed Future Council programme is driven by the need to modernise, meet the unprecedented financial challenge and redefine the role of the City Council in ensuring the availability of services that best meet the priority needs of citizens and communities.

This report proposes a revised resource plan for this programme based on the receipt of the additional DCLG funding. Above all, it will help support sustainability of the council's day-to-day activities whilst engaged in a major change programme.

#### 4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR will be a mandatory requirement for tenderers and will form part of the conditions of this contract. Prior to contract award, an action plan will be agreed with the recommended supplier on how the charter principles will be implemented and monitored during the contract period. Where the recommended organisation is an accredited signatory to the Charter, they will be required to provide additional commitments proportionate to the value of the proposed contract awarded.

Consideration of how the engagement of external resource might improve the economic,

social and environmental well-being of the city and whether to undertake any consultation were discussed at the planning stage. It was agreed not to conduct further consultation on the basis added social value will be achieved through compliance with the BBC4SR.

#### 4.2 Financial Implications

A bid outlining the need for financial support to assist with the implementation of this significant programme was submitted to DCLG in June 2015 and a £4.4m grant has now been agreed to complement funds already identified by the Council.

As a result of the grant from the Government, the resource available to the programme has significantly improved and will be used to enhance the delivery of the programme, enabling additional support to speed up progress.

The grant has been provided to support the delivery of the Future Council programme. Specifically, it will help the council deliver its medium-term Future Council plan by funding additional capacity. This will ensure that regular council business can continue and provide specialist know-how not already within the council, helping to accelerate existing improvement projects and fund extra programme activity.

The receipt of the Government grant assists the Council to put in place a multi-year funded improvement programme, with £4.4m available in 2015/16 and £3m in 2016/17.

The procurement activity outlined in this report will be funded from the grant monies received from the DCLG.

#### 4.3 Legal Implications

The implementation of the Future Council Programme facilitates the discharge of the council's best value duty under the Local Government Act 1999. All necessary procurement exercises will be undertaken in accordance with the council's Standing Orders relating to contracts and Procurement Governance Arrangements.

#### 4.4 Public Sector Equality Duty (see separate guidance note)

At this stage there are no consequences for our Public Sector Equality Duty. Any implications as a result of significant changes to services developed as part of the programme will be identified as part of the Council's standard equality assessment processes.

### **5. Relevant background/chronology of key events:**

- 5.1 The Council is responding to a wide range of well documented internal and external drivers. Extraordinary financial pressure has been compounded by the findings of several high profile external reviews (the Le Grand safeguarding review, the Kershaw and Clarke education reports, and the Kerslake review on governance and organisational capabilities). All have reached unfavourable conclusions based on issues stretching back many years and across different administrations.

The Future Council programme is the vehicle for delivering the changes BCC needs to make. The programme was agreed by Cabinet on 20 April 2015 and a further update was provided in June.

To further develop and implement the programme the resources below have been identified as being required. The Council determined what resources were required through a process of engagement with key stakeholders, acceptance of the Kerslake recommendations and knowledge of good practice from other places.

## **5.2 Programme Planning Development**

Support for the Future Council programme is required to create a 'steady state' in terms of

- Programme planning and the ability to monitor delivery
- Risk management
- Reporting – for sub-programme and programme boards as well as elected members and the Birmingham Independent Improvement Panel
- Supporting the development of the council's preferred project management tool – Verto – to create a system that supports the above.

To get to 'steady state' by the end of the year the City Council will supplement the existing Future Council team with additional support around programme planning expertise until December 2015.

## **5.3 Council Operating Model Development**

The concept and potential shape of an operating model for the whole council was agreed by the Corporate Leadership Team in August 2015. This work now needs progressing. External expertise may be required to support a way forward for the delivery of an operating model that is bespoke to Birmingham City Council.

This work will include the development of a draft operating model along with appropriate materials for use by the Council. It will also include communication and engagement with staff, members and partners and any required sign off by members. This is timetabled to be in place for April 2016.

## **5.4 Support for the Council to Deliver the Significant Changes to Services Identified Through the Demand work**

A large number of ideas have been generated from the demand intelligence work the Council has done over the summer. Many of these high level proposals to radically improve services need to be converted into projects which will require, in some cases, expertise that is not currently available within the Council.

Some of the Council's more substantial new programmes (such as Open for Learning, which will drive better use of council assets through co-location and collaboration with partners, bringing together activities and services involving learning within the same building) will need expert programme and project manager support. Currently there isn't the internal capacity to deliver them all within the necessary time frame. External support will therefore be required to maintain the pace of change. It should be noted that where there is internal resource available with the skills, experience and capacity to carry out the tasks required, this will be the first option considered.



## 5.5 Procurement of External Resources

The Council has assessed what resources and capacity will be required. The Council does not have all of the skills and capacity required within existing services. There is a requirement to source additional support from outside the organisation, when appropriate.

This external resource will be procured in line with the Council's Procurement Governance Arrangements and is likely to include expertise for example in ICT, business analysis and engagement and consultation expertise. The most appropriate procurement route for each specialism will be selected to source the specialists and specialisms required. These routes will include calling off a national framework agreement (Crown Commercial Services or Eastern Shire Purchasing Organisation) and engaging recruitment agencies to recruit individuals with the required specialisms. Other routes may be selected as identified at the time the need is identified.

Due to the pace required to deliver the programme, it is an urgent requirement that the external resource is engaged as soon as practicably possible. Therefore the delegation of the award of the future contracts will be reported to the Interim Director Service Delivery/ Strategic Director for Change and Corporate Services, in conjunction with the Assistant Director of Procurement, the Director of Finance (or their delegate) and the Director of Legal and Democratic Services (or their delegate). All procurement exercises will be conducted following the protocol of the procurement route selected and the Procurement Governance Arrangements.

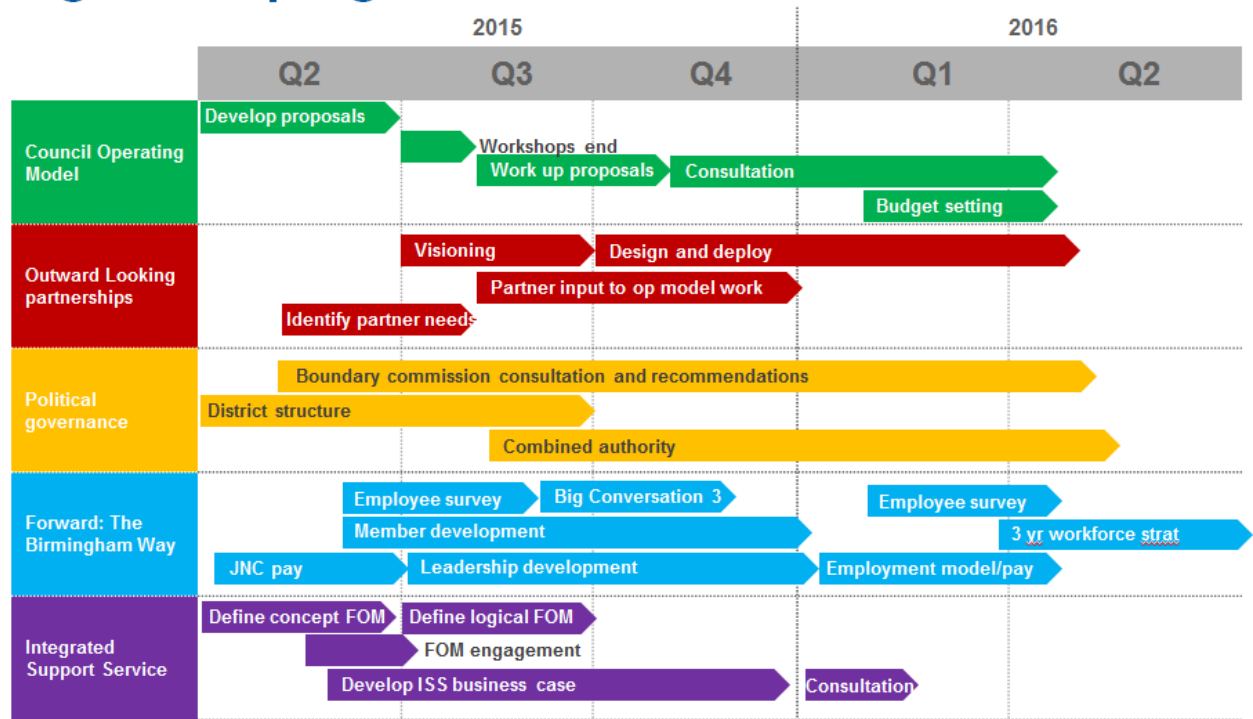
## 5.6 Within the Future Operating Model workstream, there is an immediate need for external support to 'challenge' and further develop options in the four themes:

- Preventing family breakdown
- Maximising independence for adults
- Sustainable neighbourhoods
- Economic Growth and Jobs

This work will include further challenge and stretch of existing ideas to create appropriate, deliverable options. Further details of the proposed contract award are provided in the Private report.

## 5.7 The high level programme milestones are shown in the table below:

# High level programme milestones



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

- 6.1 Cabinet agreed on 20 April 2015 that there are no feasible alternative options to the Programme.

Keen interest in the delivery and pace of the Future Council Programme continues by the BIIP.

DCLG expect the financial assistance provided to be spent as agreed in the bid.

## 7. Reasons for Decision(s):

- 7.1 The Future Council Programme resource plan was agreed by Cabinet on 29 June 2015. Since this date, £4.4m funding has been granted by the DCLG to support the delivery of the programme. This will mean progress can be made more quickly than originally anticipated.

This report provides the programme's proposal for best use of this grant to secure the agreed programme objectives.

Signatures	<u>Date</u>
Councillor Ian Ward Deputy Leader	.....
Cllr Stewart Stacey, Cabinet Member for Commissioning, Contracting and Improvement	.....
Mark Rogers Chief Executive	.....

List of Background Documents used to compile this Report:
1 Future Council Cabinet Report April 2015
2 Future Council Cabinet Report June 2015

List of Appendices accompanying this Report (if any):
1. Appendix 1 Updated Resources

## **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"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
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"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(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;</li><li>(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.</li></ul>
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"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) age</li><li>(b) disability</li><li>(c) gender reassignment</li><li>(d) pregnancy and maternity</li><li>(e) race</li><li>(f) religion or belief</li><li>(g) sex</li><li>(h) sexual orientation</li></ul>

SUMMARY FUTURE COUNCIL RESOURCE PLANNER- APRIL 2015 - MARCH 2016		
SUMMARY	Funded Improvement Programme Budget	Resource Narrative
	£000	
Year 2015/16		
<b>FUTURE COUNCIL PROGRAMME</b>	<b>1,147</b>	<b>Resources Provides:</b> Strategic Leadership, Operational Delivery, Programme Management, Performance Management, IT Programme Management System, Business Analysts, Communication and Engagement , Governance Management, Resource Management, Learning and Development, Financial Management, Administrative Support, External Quality Assurance , Liaison between Independent Improvement Panel, Strategic Capacity, Strategic ICT Expertise, Enhanced Communications
Whole Council Design Principles Resourcing Programme Aligning Interdependencies Risk Management Programme Reporting		
<b>Sub Programme OPERATING MODEL</b>	<b>1,547</b>	<b>Resources Provides:</b>
<i>Financial planning &amp; design of operating model &amp; service delivery models</i>		
		Sub-Programme Management, External Capability and Capacity for Operating Model Vision,, Design of Demand Led Methodology, Identification of Customer Cohorts, Strategic Directorate Expertise in Collaborative Whole Council Operating Model, Financial Analysis and Modelling, Operating Model Design, Testing, Business Case Development, Implementation, HR & Organisational Development Capability, Legal Advice, Policy and Strategy Research, Data Analysis, Equality Impact Assessment, External Capacity to help drive changes
Future Focus Demand Led Operating Model Align Budget and Model to Citizen Demand Whole System View - aligned to Partnership Outcomes Long Term Planning Strategy What Drives Demand - What is Preventable Demand Identify Customer Cohorts <i>Corporate Planning Framework and Performance Management Framework</i>		External Capability and Capacity for Design and Implementation of Long Term Corporate Planning and Performance Management Process
<b>Sub Programme PARTNERSHIPS</b>	<b>503</b>	<b>Resources Provides:</b>
		Sub-Programme Manager Internal Capability and Capacity, Project Support, Strategic Partners Engagements Events, External Challenge & Objectivity, Diversity and Social Inclusion alignment with City Partnership Vision, East Birmingham Skills Board, Neighborhood and Community Planning Team
Establish a City Partnership Group and City Vision		
<b>Sub Programme FORWARD THE BIRMINGHAM WAY</b>	<b>655</b>	<b>Resources Provides:</b>
		Sub-Programme Manager, Project Manager, Project Support, Data Analyst, Comms and Engagement, Lead Officer HR, Lead Officer Organisational Development, Culture Change External Expertise, Leadership and Member Development External Expertise, Executive Coaching, Development Workshops, Business Analyst and Business Process & System Re-design, Leader Development, Talent Management, Staff surveys to baseline
The Birmingham Employee Birmingham Members & Leaders The Birmingham Manager Reshaping & Resizing Create an Outward Looking Inclusive Approach to Operating Model Children's Workforce Strategy A Workforce Ready To Lead Change Seven Work packages with fourteen projects		
<b>Sub Programme POLITICAL GOVERNANCE</b>	<b>145</b>	<b>Resources Provides:</b>
		Sub-Programme Manager, Project Support, External Expertise and Challenge, Internal Capability and Capacity, Member Development
Shape and Define Political Governance that Connects Councillors with Communities and Delivers Policy Direction Policy Direction Overview & Scrutiny at Local & City Level including Executive Scrutiny and Regulatory Function		
<b>Sub Programme SUPPORT SERVICES</b>	<b>174</b>	<b>Resources Provides:</b>
		Pro-bono Sub-Programme Manager, Project Manager, Project Analyst, Internal HR & OD Capability,, Financial Modelling, Legal Advice, Equality Impact Assessment, External Expertise & Challenge, Operating Model Design
Map Data, Services, Business Process of 'As Is' Identify Services and Processes in Scope Design Operating Model Test Model - Ensure Alignment to Emerging FC Operating Model		
<b>CONTINGENCY</b>	<b>200</b>	
<b>TOTAL</b>	<b>4,371</b>	

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Director of Finance</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> November 2015</b>
<b>SUBJECT:</b>	<b>CAPITAL AND TREASURY MANAGEMENT MONITORING QUARTER 2 (JULY TO SEPTEMBER 2015)</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	<b>Complied with Rule 15</b> <input type="checkbox"/>
	<b>Complied with Rule 16</b> <input type="checkbox"/>
<b>Type of decision:</b>	<b>Executive</b>
<b>Relevant Cabinet Member:</b>	<b>Councillor Ian Ward</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffir</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
<p>1.1 The report notes developments in relation to Birmingham City Council's medium term capital programme up to 30<sup>th</sup> September 2015.</p> <p>1.2 The report also monitors the treasury management portfolio and actions taken during the quarter under delegations.</p>

<b>2. Decision(s) recommended:</b>
<p>2.1 Cabinet is requested to:</p> <p>(i) Approve the revised multi-year capital programme of £1,201.375m.</p> <p>2.2 Cabinet is requested to note that:</p> <p>(i) Forecast capital expenditure in 2015/16 is £492.852m.</p> <p>(ii) Actual capital expenditure as at 30<sup>th</sup> September 2015 was £169.5m, representing 34.4% of the forecast outturn for 2015/16.</p>

<b>Lead Contact Officer(s):</b>	Steve Powell, Assistant Director of Finance (Financial Strategy)
<b>Telephone No:</b> <b>E-mail address:</b>	0121 303 4087 steve_powell@birmingham.gov.uk

<b>3. Consultation</b>	
	<p>Consultation should include those that have an interest in the decisions recommended.</p> <p>3.1 <u>Internal</u></p> <p>Relevant Members and officers have been consulted in the preparation of this report.</p> <p>3.2 <u>External</u></p> <p>There are no additional issues beyond consultations carried out as part of the budget setting process for 2015/16</p>
<b>4. Compliance Issues:</b>	
	<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The capital expenditure programme and the treasury management policy and strategy are part of the Council Business Plan and Budget 2015+, and resource allocation is directed towards Council priorities.</p> <p>4.2 <u>Financial Implications.</u> <u>(Will decisions be carried out within existing finances and Resources?)</u></p> <p>The corporate capital budget monitoring documents attached give details of service delivery within available resources.</p> <p>The capital budget is a resource and expenditure planning tool and does not confer approval for individual budget items to proceed. Individual approvals are sought through the Business Case reports under the 'Gateway' Process.</p> <p>4.3 <u>Legal Implications</u></p> <p>Section 151 of the 1972 Local Government Act requires the Director of Finance (as the responsible officer) to ensure proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on directorates and members of Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on control of the capital budget. It also reports on the exercise of treasury management delegations and the management of treasury risks in accordance with the Council's treasury management policy and strategy.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>There are no additional specific Equality Duty or Equality Analysis issues beyond any already assessed and detailed in the budget setting process and monitoring issues that have arisen in the year to date. Any specific assessments needed will be made by Directorates in the management of their services.</p>



**5. Relevant background/chronology of key events:**

5.1 The City Council's Capital Programme and the Treasury Management Policy and Strategy for 2015/16 was approved by the City Council on 3rd March 2015.

5.2 A Capital Programme of £1,046,300m was approved by the City Council on 3rd March 2015.

5.3 In Quarter 1 the programme increased by a net £147.085 to £1,193.385m.

**5.4 Addition / Reduction in Resources**

During Quarter 2 the programme increased by a further £7.990m to £1,201.375m and this is summarised in the table below.

	2015/16	2016/17	2017/18	Later Years	Total
	£m	£m	£m	£m	£m
<b>Approved Capital Budget Q1</b>	<b>501.701</b>	<b>326.947</b>	<b>257.319</b>	<b>107.418</b>	<b>1,193.385</b>
Addition or Reduction in Resources	0.464	26.737	(19.211)	0.000	7.990
<b>Revised Capital Budget Q2</b>	<b>502.165</b>	<b>353.684</b>	<b>238.108</b>	<b>107.418</b>	<b>1,201.375</b>

5.5 The main variations for the increase in resources are outlined in Appendix 1.

**5.6 Forecast Budget Variations**

At Quarter 2 net slippage of £(9.173)m and a net underspend of £(0.140)m is forecast for the financial year ended 2015/16. The forecast expenditure for the year therefore decreases to £492.852m and is summarised in the table below.

	2015/16	2016/17	2017/18	Later Years	Total
	£m	£m	£m	£m	£m
<b>Revised Capital Budget Q1</b>	<b>502.165</b>	<b>353.684</b>	<b>238.108</b>	<b>107.418</b>	<b>1,201.375</b>
Forecast Slippage at Q2	(9.173)	(3.173)	(11.580)	23.926	0.000
Add pressures (less underspends)	(0.140)	0.048	0.000	0.000	(0.092)
<b>Forecast Outturn Q2</b>	<b>492.852</b>	<b>350.559</b>	<b>226.528</b>	<b>131.344</b>	<b>1,201.283</b>

5.7 The Quarter 2 slippage of £(9.173)m and the net underspend across the 4 year programme of £(0.092)m are outlined in Appendix 1. The major variations relate to slippage of £(7.036)m on Centenary Square Metro within the Economic Growth Zone project (see page 29), £10.264m acceleration on the Enterprise Zone (pages 20-22) and £(12.165)m slippage on various programmes within CYPF (pages 7-8).

**5.8 Expenditure to Date**

Actual expenditure on Voyager for the quarter ending 30<sup>th</sup> September is £169.5m. This represents 34.4% of the forecast outturn for 2015/16 and compares to 21.5% in 2014/15 financial year.

Capital expenditure on a scheme by scheme basis is detailed in Appendix 2.

**5.9 Treasury Management and Prudential Indicators Monitoring**

Summaries of the City Council's borrowing and treasury investment are contained within Appendices 5 to 10. Borrowing and investments have been made in accordance with the Treasury Management Policy and Strategy. Prudential indicators are within the limits set in the Council's Budget 2015+.

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

- 6.1 No alternative options are relevant for the purposes of this monitoring report. The evaluation of options is contained in individual investment proposals.

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

- 7.1 To inform Cabinet of the latest projected position on the City Council's capital programme against the approved budget, and to monitor treasury management activity and risks.
- 7.2 To seek approval to the revised capital budget at 30<sup>th</sup> September 2015.

**Signatures (or relevant Cabinet Member approval to adopt the Decisions recommended):**

Chief Officer(s): .....

Cabinet Member: .....

Dated: .....

**List of Background Documents used to compile this Report:**

3rd March 2015 Council Report – Council Business Plan 2015+  
Financial Outturn Report – 29<sup>th</sup> June 2015  
22<sup>nd</sup> September 2015 - Capital & Treasury Management Monitoring Report Quarter 1 (April to June 2015)

**List of Appendices accompanying this Report:**

1. Appendix 1 – Review of major capital monitoring variations
2. Appendix 2 – High level summary of the Capital Programme
3. Appendix 3 – Development and Funding of the Capital Programme
4. Appendix 4 – New Prudential Borrowing Capital Schemes in Quarter 2 2015/16
5. Appendix 5 - Summary Debt and Investment Portfolio
6. Appendix 6 - Long Term Transactions in the Quarter
7. Appendix 7 - Treasury Investments Outstanding at 30<sup>th</sup> September 2015
8. Appendix 8 - Treasury Investments made in July to September 2015
9. Appendix 9 – Accountable Body Investments
10. Appendix 10 - Prudential Indicators

PEOPLE DIRECTORATE - ADULTS & COMMUNITIES		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Personalisation, Reform &amp; Efficiency of Adults Social Care</b>	Budget	0	2,379	Initiatives to transform and improve the commissioning and delivery of Adult Care Services.
	Additional / (Reduced) Resources	401	0	Rephasing of grant resources budget from 2017/18 to fund initiatives in 15/16 - £0.120m Home Visit Service; £0.018m Autism Technology; £0.262m Transforming Care Programme. Grant funding for these projects was received in 2014/15 and is currently held in reserves.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>401</b>	<b>2,379</b>	
	On Target?			Currently on target.
<b>Replacement Vehicles</b>	Opening Budget	0	1,469	Programme to update the Specialist Care Services vehicle fleet.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>1,469</b>	
	On Target?			No plans to spend this budget in 2015/16.
<b>Programme of Minor Works</b>	Budget	1,271	1,522	Improvements to Specialist Care Services property to improve the delivery of Adult Social Care.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,271</b>	<b>1,522</b>	
	On Target?			Currently on target.
<b>IT Schemes</b>	Budget	2,050	2,050	New and enhanced IT systems to support the delivery of Adults & Communities services.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>2,050</b>	<b>2,050</b>	
	On Target?			Currently on target.
<b>Homeless Centres</b>	Opening Budget	2,117	3,017	Programme of refurbishment of Homeless Hostels to improve services for the homeless.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>2,117</b>	<b>3,017</b>	
	On Target?			Currently on target.

<b>LD Day Centres</b>	Budget & Description	1,800	1,800	Programme of refurbishment of Day Centre facilities for the Learning Disabilities Service.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,800</b>	<b>1,800</b>	
	On Target?			Currently on target.
<b>Better Care Fund</b>	Opening Budget	0	0	This capital grant is for the transformation in social care and health to bring about a more integrated approach to this area. The Better Care Fund is a government initiative announced in the 2013 spending round.
	Additional / (Reduced) Resources	3,118	3,118	New scheme funded by a Department of Health grant and approved by Cabinet in March 2015, to provide the Social Care contribution to the Better Care Fund pooled with the NHS.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0		
	<b>Total Revised Forecast</b>	<b>3,118</b>	<b>3,118</b>	
	On Target?			Currently on target.
<b>TOTAL ADULTS &amp; COMMUNITIES</b>	<b>Opening Budget</b>	<b>7,238</b>	<b>12,237</b>	
	<b>Additional / (Reduced) Resources</b>	<b>3,519</b>	<b>3,118</b>	
	<b>(Slippage)/Acceleration</b>	<b>0</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>10,757</b>	<b>15,355</b>	

PEOPLE DIRECTORATE - CHILDREN, YOUNG PEOPLE		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Aiming Higher for Disabled Children</b>	Opening Budget	325	775	Scheme to provide better access to short breaks provision by providing equipment, adaptations and facilities for disabled children and young people.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>325</b>	<b>775</b>	
	On Target?			Currently on target.
<b>Devolved Capital</b>	Opening Budget	2,971	5,802	Allocated to Maintained Schools to fund capital works.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>2,971</b>	<b>5,802</b>	
	On Target?			This budget is managed and delivered by the individual schools and is currently on target.
<b>Schools Condition Allowance (ex Capital Maintenance)</b>	Opening Budget	14,494	50,547	Schools Condition Programme covering programmed capital works, dual funding schemes, improvements to access and kitchen works.
	Additional / (Reduced) Resources	6,462	621	Resources required in line with the Schools' Capital Programme report approved by Cabinet 27th July 2015 funded by School Condition Allowances Grant received from the Education Funding Agency.
	(Slippage)/Acceleration	(2,021)	0	Slippage due to delays in schools identifying schemes for kitchen works and health and safety schemes.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>18,935</b>	<b>51,168</b>	
	On Target?			No, as detailed above.
<b>Schools Based IT</b>	Budget	88	88	School IT Arrangements funded by prudential borrowing.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>88</b>	<b>88</b>	
	On Target?			Currently on target.

<b>Basic Need/Additional Primary Places</b>	Opening Budget	50,199	130,240	Building programme aimed at expanding school provision in order to meet pupil place requirements.
	Additional / (Reduced) Resources	5,695	802	Resources required in line with the Schools' Capital Programme report approved by Cabinet 27th July 2015. This is funded by the Basic Need Capital Grant from the Education Funding Agency.
	(Slippage)/Acceleration	(7,894)	0	Slippage due to delays in obtaining planning approval and further development works required across a number of schemes.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>48,000</b>	<b>131,042</b>	
	On Target?			No, as detailed above
<b>Victoria Special School</b>	Budget	15	15	Demographic Growth capital funding to support the major refurbishment of former 6th form centre to a Post 16-19 centre for students with complex needs.
	Additional / (Reduced) Resources	230	230	The addition of resources identified and approved within the Schools' Capital Programme report submitted to Cabinet on the 27th July 2015. The works are funded by the Demographic Growth Capital Grant from the Education Funding Agency.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>245</b>	<b>245</b>	
	On Target?			Currently on target.
<b>Other Minor Schemes</b>	Opening Budget	271	3,499	£3.284m Early Years - funding capital refurbishments of nurseries. £0.215m minor value schemes such as All Saints and Burford Community Development projects.
	Additional / (Reduced) Resources	1,228	0	Early Years schemes funded by Grant in line with the Schools' Capital Programme report approved by Cabinet 27th July 2015.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,499</b>	<b>3,499</b>	
	On Target?			Currently on target.
<b>Business Transformation - Children's</b>	Opening Budget	4,000	4,868	IT Investment in Children's Services funding by earmarked capital receipts.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(2,250)	0	The children's improvement plan has now been superseded by the Early Help & Social Care (EH&SC) plan. Work has been refocused on Social Care Practice Improvement, developing a Service Design and re-working related processes as the priority. IT spend has slowed as a consequence pending completion of this work.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,750</b>	<b>4,868</b>	
	On Target?			No as detailed above.

<b>Section 106 schemes</b>	Opening Budget	314	314	Section 106 funding for St. Barnabas Basic Needs Scheme, St John Willmott Capital Maintenance scheme and playing fields.
	Additional / (Reduced) Resources	38	38	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>352</b>	<b>352</b>	
	On Target?			Currently on target.
<b>Targeted Basic Need</b>	Budget	1,603	2,603	Building programme aimed at expanding school provision in order to meet pupil place requirements targeted at specific schools and agreed with the Education Funding Agency.
	Additional / (Reduced) Resources	1,000	0	Additional budget as approved by Cabinet on the 27th July 2015 and funded by the Targetted Basic Need Capital Grant from the Education Funding Agency.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>2,603</b>	<b>2,603</b>	
	On Target?			Currently on target.
<b>Universal Free School Meals</b>	Budget	429	964	Capital funding to support the introduction of free school meals for reception and years 1 and 2 children from September 2014.
	Additional / (Reduced) Resources	535	0	Additional budget as approved by Cabinet 27th July 2015 and funded by the Universal Free School Meals Capital Grant from the Education Funding Agency.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>964</b>	<b>964</b>	
	On Target?			Currently on target.
<b>Uffculme, Russell Road</b>	Budget	916	916	Demographic Growth capital grant funding to support purchase and refurbishment of 40 Russell Road for 30 post 16-19 students with complex needs.
	Additional / (Reduced) Resources	11	11	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>927</b>	<b>927</b>	
	On Target?			Currently on target.
<b>TOTAL CHILDREN, YOUNG PEOPLE &amp; FAMILIES</b>	Opening Budget	<b>75,625</b>	<b>200,631</b>	
	Additional / (Reduced) Resources	<b>15,199</b>	<b>1,702</b>	
	(Slippage)/Acceleration	<b>(12,165)</b>	<b>0</b>	
	(Under) / Overspend	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>78,659</b>	<b>202,333</b>	



PEOPLE DIRECTORATE - OVERALL MOVEMENTS	Opening Budget	82,863	212,868	
	Additional / (Reduced) Resources	18,718	4,820	
	(Slippage)/ Acceleratio	(12,165)	0	
	(Under) / Overspend	0	0	
	Total Revised Forecast	89,416	217,688	

PLACE DIRECTORATE - HIGHWAYS GENERAL FUND		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Safer Routes to School</b>	Budget	567	897	Highway engineering schemes to improve safety and sustainable access in the vicinity of schools across the City.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>567</b>	<b>897</b>	
	On Target?			Currently on target.
<b>Network Integrity</b>	Opening Budget	1,254	1,829	The Network Integrity and Efficiency programme will enhance and protect the highway network and support the localism agenda through measures to address local transport issues identified at ward level.
	Additional / (Reduced) Resources	(60)	(60)	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,194</b>	<b>1,769</b>	
	On Target?			Currently on target.
<b>Road Safety</b>	Budget	605	980	Road Safety schemes aimed at reducing major and slight accidents across the City.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>605</b>	<b>980</b>	
	On Target?			Currently on target.
<b>Highways Structures</b>	Budget	1,395	1,395	Phase 1 £71k & Phase 2 of the A38 (M) Tame Valley Viaduct Management Strategy (trial span works).
	Additional / (Reduced) Resources	48	48	Budget transferred from the Local Growth Fund programme (see below).
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,443</b>	<b>1,443</b>	
	On Target?			Currently on target.
<b>Land Drainage &amp; Flood Defences</b>	Opening Budget	1,308	2,115	River Tame Flood Defence Scheme.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,308</b>	<b>2,115</b>	
	On Target?			Currently on target

<b>Other Minor Schemes</b>	Budget	143	143	Minor schemes
	Additional / (Reduced) Resources	60	60	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>203</b>	<b>203</b>	
	On Target?			Currently on target
<b>Local Growth Fund</b>	Budget	48	48	Transport projects to promote economic growth.
	Additional / (Reduced) Resources	(48)	(48)	Budget moved to Highways Structures programme (see above).
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>0</b>	
	On Target?			
<b>TOTAL HIGHWAYS</b>	<b>Opening Budget</b>	<b>5,320</b>	<b>7,407</b>	
	<b>Additional / (Reduced) Resources</b>	<b>0</b>	<b>0</b>	
	<b>(Slippage)/ Acceleration</b>	<b>0</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>5,320</b>	<b>7,407</b>	

PLACE DIRECTORATE - HOUSING PRIVATE SECTOR		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Affordable Housing</b>	Opening Budget	650	1,350	Expenditure to bring privately owned long term void properties back into use through compulsory acquisition, together with works funded from earmarked capital receipts on land not owned by BCC.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>650</b>	<b>1,350</b>	
	On Target?			Currently on target.
<b>Independent Living</b>	Opening Budget	4,279	12,054	Delivery of major adaptation schemes through the Disabled Facilities Grant.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>4,279</b>	<b>12,054</b>	
	On Target?			Currently on target.
<b>Other Programmes</b>	Opening Budget	7,884	12,768	InReach - £12m - a Wholly Owned Company of BCC which has been set up to develop a site in Ladywood for market rent accomodation.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>7,884</b>	<b>12,768</b>	
	On Target?			Currently on target.
<b>TOTAL HOUSING PRIVATE SECTOR</b>	<b>Opening Budget</b>	<b>12,813</b>	<b>26,172</b>	
	<b>Additional / (Reduced) Resources</b>	<b>0</b>	<b>0</b>	
	<b>(Slippage)/Acceleration</b>	<b>0</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>12,813</b>	<b>26,172</b>	

PLACE DIRECTORATE - OTHER GENERAL FUND		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Swimming Pool Facilities</b>	Opening Budget	11,895	46,816	Sport and physical activity review programme for the new build of Sparkhill Pool, Stechford Leisure Centre, Icknield Port Loop, Erdington Pool and Northfield Pool and the refurbishment of Wyndley Leisure Centre, Beeches Pool, Fox Hollies Leisure Centre, Billesley ITC and Cocks Moor Wood Leisure Centre.
	Additional / (Reduced) Resources	99	1	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	48	
	<b>Total Revised Forecast</b>	<b>11,994</b>	<b>46,865</b>	
	On Target?			Sparkhill Pool is the first newbuild and the project has slipped due to the discovery of asbestos, completion is now due in May 2017. All orders are raised for refurbishment and is still on target.
<b>Fleet &amp; Waste Management</b>	Opening Budget	24,001	27,666	Fleet and Waste transformation project - purchase and roll out of Wheelie bins.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>24,001</b>	<b>27,666</b>	
	On Target?			Yes.
<b>Parks</b>	Opening Budget	3,600	4,256	Various schemes including - Cofton Nurseries replacement glasshouses and safety works to Parks Pool and Reservoirs.
	Additional / (Reduced) Resources	368	368	Revised FBC 29.6.15 for Cofton Nurseries - additional spend for replacement glasshouses, funded by Prudential Borrowing.
	(Slippage)/Acceleration	(678)	0	Trittford Pool safety works - the design works for this project requires input from the Environment Agency. There have been delays due to the design elements taking longer than expected, the complex nature of these works and gaining approval from the EA in this project.
	(Under) / Overspend	(13)	(13)	
	<b>Total Revised Forecast</b>	<b>3,277</b>	<b>4,611</b>	
	On Target?			No due to reasons above.
<b>Bereavement Services</b>	Budget	16	16	Handsworth Cemetery - Additional plots.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>16</b>	<b>16</b>	
	On Target?			Scheme completed awaiting Acivico final audit.

<b>Community Initiatives</b>	Budget	642	642	Handsworth LC refurb & Laurel Road artificial pitch replacement
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(292)	0	Budget slipped due to unexpected safety works required from structural report recommendations, causing delays on the commencement of Phase 2 Handsworth Leisure Centre works. Awaiting FBC for phase 2.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>350</b>	<b>642</b>	
	On Target?			Phase 1 complete, Phase 2 completion April 2016
<b>Regulation and Enforcement</b>	Opening Budget	0	372	Mortuary - Replacement Fridges and tables.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>372</b>	
	On Target?			Project yet to start.
<b>Other Services</b>	Budget	7	7	Other minor schemes.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>7</b>	<b>7</b>	
	On Target?			Yes
<b>TOTAL OTHER GENERAL FUND</b>	<b>Opening Budget</b>	<b>40,164</b>	<b>79,778</b>	
	<b>Additional / (Reduced) Resources</b>	<b>464</b>	<b>366</b>	
	<b>(Slippage)/Acceleration</b>	<b>(970)</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>(13)</b>	<b>35</b>	
	<b>Total Revised Forecast</b>	<b>39,645</b>	<b>80,179</b>	

PLACE DIRECTORATE - DISTRICT SERVICES		2015/16 £'000	All Years £'000	Brief Description and Explanations for Major Changes
<b>Community Libraries</b>	Budget	782	782	£0.527m - West Heath Library replacement, £0.255m other minor community library works across various sites
	Additional / (Reduced) Resources	71	71	Additional budget funded from corporate resources for the replacement to South Yardley Library Roof, as approved by the Deputy Chief Executive.
	(Slippage)/Acceleration	(461)	0	West Heath Library project on hold whilst revenue resources are identified to cover the running costs of the Library.
	(Under) / Overspend	(88)	(88)	Minor underspends against completed projects - Sutton and Kings Heath Libraries
	Total Revised Forecast	304	765	
	On Target?			Project yet to start (see above).
<b>Community Development &amp; Play</b>	Opening Budget	1,725	1,743	Bournville Baths conversion to Community Hub.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,725</b>	<b>1,743</b>	
	On Target?			Currently on target and due for completion in November 2015.
<b>Community Parks</b>	Budget	148	180	LIB schemes
	Additional / (Reduced) Resources	240	240	Perry Hall cricket changing rooms funded from an England & Wales Cricket Board Grant, received in August 2015 and approved in the Full Business Case of 5.3.15.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	Total Revised Forecast	388	420	
	On Target?			Yes
<b>Community Chest</b>	Budget	45	45	Ladywood District Community Chest
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	Total Revised Forecast	45	45	
	On Target?			Project yet to start

<b>Districts and Neighbourhoods</b>	Budget	3	3	Minor Schemes
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	Total Revised Forecast	3	3	
	On Target?			Yes
<b>TOTAL DISTRICT SERVICES</b>	<b>Opening Budget</b>	<b>2,703</b>	<b>2,753</b>	
	<b>Additional / (Reduced) Resources</b>	<b>311</b>	<b>311</b>	
	<b>(Slippage)/Acceleration</b>	<b>(461)</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>(88)</b>	<b>(88)</b>	
	<b>Total Revised Forecast</b>	<b>2,465</b>	<b>2,976</b>	



<b>PLACE DIRECTORATE - HOUSING REVENUE</b>		<b>2015/16 £'000</b>	<b>All Years £'000</b>	<b>Brief Description and Explanations for Major Changes</b>
<b>Housing Improvement Programme</b>	Opening Budget	34,584	115,041	Capital Investment Programme - various projects to carry out improvements to stock including major structural works.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>34,584</b>	<b>115,041</b>	
	On Target?			Currently on target.
<b>Other Essential Works</b>	Opening Budget	12,125	32,740	Various schemes to deliver improvements - e.g. door entry schemes, legionella testing, communal electrical works, fire protection and soil and vent pipes replacement.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>12,125</b>	<b>32,740</b>	
	On Target?			Currently on target.
<b>Redevelopment</b>	Opening Budget	41,685	142,298	BMHT new build housing stock replacement, ARP and related housing development including sales, plus clearance.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>41,685</b>	<b>142,298</b>	
	On Target?			Currently on target.
<b>Other Programmes</b>	Opening Budget	9,063	28,569	Mainly capital works to void properties and major adaptation works to HRA properties.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>9,063</b>	<b>28,569</b>	
	On Target?			Currently on target.
<b>TOTAL HRA</b>	<b>Opening Budget</b>	<b>97,457</b>	<b>318,648</b>	
	<b>Additional / (Reduced) Resources</b>	<b>0</b>	<b>0</b>	
	<b>(Slippage)/Acceleration</b>	<b>0</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>97,457</b>	<b>318,648</b>	

PLACE DIRECTORATE - OVERALL MOVEMENTS	Opening Budget	158,457	434,758	
	Additional / (Reduced) Resources	775	677	
	(Slippage)/ Acceleration	(1,431)	0	
	(Under) / Overspend	(101)	(53)	
	Total Revised Forecast	157,700	435,382	

<b>ECONOMY DIRECTORATE - REGENERATION</b>		<b>2015/16 £'000</b>	<b>All Years £'000</b>	<b>Brief Description and Explanations for Major Changes</b>
<b>East Aston RIS</b>	Opening Budget	770	4,481	East Aston Regional Investment Site - Advanced Manufacturing Hub.
	Additional / (Reduced) Resources	506	506	New approval July 2015 via Delegated Authority for City Deal funding for the acquisition of the New Adventurers Pub.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,276</b>	<b>4,987</b>	
	On Target?			Progress may be delayed if compulsory purchase orders are disputed.
<b>Life Sciences</b>	Budget	7,192	7,192	Creation of a new Life Science Campus.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>7,192</b>	<b>7,192</b>	
	On Target?			Currently on target and due to complete on 29th January 2016.
<b>Women's Enterprise Centre</b>	Budget	1,203	1,303	Redevelopment of the east wing of the Southside Business centre, Sparkbrook into a Women's Enterprise Centre
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,203</b>	<b>1,303</b>	
	On Target?			The Womens Enterprise Centre is now open.
<b>Enterprise Zone - Paradise Circus</b>	Opening Budget	4,879	62,562	The major redevelopment of the Paradise Circus site. An investment plan resourced by the LEP for projects / programmes delivering development and long term growth.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	13,985	0	As part of this project, compensation is due to be paid to Birmingham City University across a number of years for their land at Paradise Circus. However, the accounting treatment requires this to be recognised up front requiring resources to be accelerated.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>18,864</b>	<b>62,562</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.

<b>Enterprise Zone - Site Development &amp; Access</b>	Opening Budget	4,950	13,950	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. This part of the scheme supports property development coming forward on EZ Sites (other than Paradise Circus)
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>4,950</b>	<b>13,950</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - Connect Economic Opportunities</b>	Opening Budget	0	316	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. - This scheme funds a range of projects to improve connectivity and create safe and attractive routes to EZ sites in the Snowhill, Digeth, Jewellery Quarter and Eastside Areas.
	Additional / (Reduced) Resources	476	244	£(0.232)m forecast moved to City Centre Links as per Enterprise Zone project board 28.09.2015. See City Centre Links below.
	(Slippage)/Acceleration	84		
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>560</b>	<b>560</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - Southern Gateway Site</b>	Opening Budget	2,000	35,470	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. - The Southern Gateway site supports the relocation of the Wholesale Markets to enable to redevelopment of this City Centre Site.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(2,000)	0	Project has slipped due to being reliant on the Wholesale Market move to make the land available, as well as feasibility work to be undertaken before any large scale development can commence.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>35,470</b>	
	On Target?			No - as per the information provided above.
<b>Enterprise Zone - LEP Investment Fund</b>	Opening Budget	0	20,000	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. This funding has been made available to support the implementation of the Strategic Economic Plan and its four delivery programmes.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>20,000</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - HS2 Curzon St. Site</b>	Opening Budget	0	30,000	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. This forms part of the Birmingham Curzon HS2 Masterplan which has been prepared to ensure the City makes the most of the investment into the proposed High Speed 2 Terminus (this should be taken in conjunction with the HS2 Interchange Site)
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>30,000</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.

<b>Enterprise Zone - HS2 Interchange Site</b>	Opening Budget	0	20,000	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. This forms part of the Birmingham Curzon HS2 Masterplan which has been prepared to ensure the City makes the most of the investment into the proposed High Speed 2 Terminus (this should be taken in conjunction with the HS2 Curzon St. Site)
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>20,000</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - Snow Hill Public Realm</b>	Opening Budget	0	275	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. Office development at Two Snowhill.
	Additional / (Reduced) Resources	326	326	Local Growth funding approved by PDD in March 2015. Approval from Birmingham & Solihull LEP received 22.09.2015 - see Local Growth Fund below.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>326</b>	<b>601</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - Metro Centenary Square</b>	Opening Budget	0	0	This project is complimentary to the Metro project and will enhance the public square in line with the new Paradise Circus and Arena Central developments.
	Additional / (Reduced) Resources	200	200	Delegated authority July 2015 approval for Enterprise Zone funding - this has been moved from Economic Growth Zone in Transportation - see below.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>200</b>	<b>200</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone - City Centre Links</b>	Opening Budget	1,805	13,069	Investment plan resourced by the LEP for projects / programmes delivering development and long term growth. This is a programme of works to enhance a number of links between the EZ sites as well as the main transport connections into the City Centre.
	Additional / (Reduced) Resources	0	232	£0.232m forecast moved from Connecting Economic Opportunities as per LEP project board 28/09/2015 - see above.
	(Slippage)/Acceleration	(1,805)		£1.805m funded by EZ all slipped to future years as a decision has been taken to utilise other grant funding first.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>13,301</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.
<b>Enterprise Zone One Station</b>	Opening Budget	185	809	Enhancement of the areas linking New Street Station and Moor Street Station.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>185</b>	<b>809</b>	
	On Target?			Yes, Enterprise Zone outputs & their timescales remain unchanged at this time.

<b>Longbridge Regeneration</b>	Opening Budget	169	772	Regeneration of Longbridge and the former Rover sites.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>169</b>	<b>772</b>	
	On Target?			Project yet to start.
<b>Local Centres</b>	Opening Budget	1,480	1,767	Improvements to Local Centres, including shop frontages.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(25)	(25)	
	(Under) / Overspend	0	25	
	<b>Total Revised Forecast</b>	<b>1,455</b>	<b>1,767</b>	
	On Target?			Project yet to start.
<b>ERDF Land &amp; Property</b>	Opening Budget	3,426	3,426	Grants to SME's to create jobs through improving and expanding their properties.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	(39)	(39)	
	<b>Total Revised Forecast</b>	<b>3,387</b>	<b>3,387</b>	
	On Target?			Scheme is now complete.
<b>Eastside</b>	Opening Budget	1,766	1,766	Fire insurance receipt from former Co-op building received a number of years ago.
	Additional / (Reduced) Resources	(1,766)	(1,766)	The budget has been removed from the capital programme pending the identification of required works and production of a full business case.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>0</b>	
	On Target?			Scheme completed.
<b>Big City Plan Initiative</b>	Opening Budget	940	940	Golden Square / Jewellery Quarter improvements.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>940</b>	<b>940</b>	
	On Target?			Scheme complete.

<b>Conservation</b>	Opening Budget	0	276	Improvements to Keyhill Cemetery and Warstone Lane Cemetery.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>276</b>	
	On Target?			Project yet to start.
<b>Local Improvement Budget</b>	Budget	90	90	Various minor projects
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>90</b>	<b>90</b>	
	On Target?			Currently on target
<b>Other City Centre Projects</b>	Opening Budget	4,039	4,120	£3.839m Arena Central - BCC are facilitating a loan from the Local Infrastructure Fund to Arena Central Development for redevelopment works at this site. £0.281 other minor projects
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>4,039</b>	<b>4,120</b>	
	On Target?			Yes.
<b>New Wholesale Market</b>	Budget	36,232	44,177	Relocation of Birmingham Wholesale Markets
	Additional / (Reduced) Resources	(20,067)	1,455	Revised cabinet report approval on 27.7.15 for additional Prudential borrowing and Local Growth funding.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>16,165</b>	<b>45,632</b>	
	On Target?			Slippage is expected on this project and will be reported at quarter 3.
<b>Planning Other</b>	Budget	51	202	Replacement of the Document Management System for the Planning & Regeneration services - purchase of licences
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>51</b>	<b>202</b>	
	On Target?			Ongoing

<b>Local Growth Fund</b>	Opening Budget	802	802	Local Growth funding - £0.326m Snow Hill Public Realm and £0.476m Connecting Economic Opportunities. Both projects are part of the Enterprise Zone Investment Plan
	Additional / (Reduced) Resources	(802)	(802)	Budgets moved on receipt of spend approval from LEP - see above £0.476m Connecting Economic Opportunities and £0.326 Snow Hill Public Realm
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>0</b>	
	On Target?			
<b>TOTAL REGENERATION</b>	<b>Opening Budget</b>	<b>71,979</b>	<b>267,765</b>	
	<b>Additional / (Reduced) Resources</b>	<b>(21,127)</b>	<b>395</b>	
	<b>(Slippage)/ Acceleration</b>	<b>10,239</b>	<b>(25)</b>	
	<b>(Under) / Overspend</b>	<b>(39)</b>	<b>(14)</b>	
	<b>Total Revised Forecast</b>	<b>61,052</b>	<b>268,121</b>	



<b>ECONOMY DIRECTORATE - TRANSPORTATION</b>		<b>2015/16 £'000</b>	<b>All Years £'000</b>	<b>Brief Description and Explanations for Major Changes</b>
<b>New Street Station (Gateway)</b>	Opening Budget	8,692	13,839	An arrangement with network rail to deliver a refurbished New Street Station, whereby the authority accepted the role of Accountable Body for various stakeholder funds.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>8,692</b>	<b>13,839</b>	
	On Target?			Opened in September.
<b>Grand Central (Southside)</b>	Opening Budget	49,950	49,950	The creation of the Grand Central shopping centre with John Lewis Partnership as the anchor tenant.
	Additional / (Reduced) Resources	1,004	1,004	Additional budget funded by prudential borrowing as approved by Cabinet on 27th July 2015.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>50,954</b>	<b>50,954</b>	
	On Target?			Opened in September.
<b>Coventry Road A45</b>	Opening Budget	3,334	3,334	Upgrading of the A45 including diversion of dual carriageway adjacent to Birmingham Airport, upgrades to slip roads and signals.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>3,334</b>	<b>3,334</b>	
	On Target?			Currently on target.
<b>Local Growth Fund</b>	Opening Budget	5,471	16,601	In July 2013 Government announced the creation of a Local Growth Fund (LGF) as part of a new 'Growth Deal' process to be taken forward by LEPs. Up to £2bn will be available annually to LEPs from 2015/16, with allocations to specific LEPs to be based upon the strength of individual 'Strategic Economic Plans' (SEPs) submitted to Government on 31st March 2014.
	Additional / (Reduced) Resources	248	223	£0.280m Iron Lane Local Growth Fund LEP approved now added Cabinet approved 16th March 2015. (£0.057m) other minor adjustments
	(Slippage)/Acceleration	180	0	£0.180m Ashted Circus per EZ Delivery Plan - accelerated spend as per Enterprise Zone forecast approved by the EZ Board 28.09.2015.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>5,899</b>	<b>16,824</b>	
	On Target?			Programme made up of several schemes currently on target.

<b>Selly Oak Relief Road</b>	Opening Budget	267	267	The remaing elements of Selly Oak new Road Project comprise the completion of traffic management works and improved pedestrian and cycle access to canal at University Station. The proposed highway improvements at 'Selly Oak Triangle' now form part of the Local Growth Fund works programme.
	Additional / (Reduced) Resources	(15)	(15)	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>252</b>	<b>252</b>	
	On Target?			Yes subject to minor slippage
<b>Chester Road</b>	Opening Budget	4,499	4,499	A452 Chester Road Improvements project including widening sections of the dual carriageway, creation of a signalised roundabout and signalisation.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>4,499</b>	<b>4,499</b>	
	On Target?			Yes - currently due to complete in December 2015.
<b>Metro Extension</b>	Opening Budget	8,317	21,217	This is a multi year multi funded programme to build a metro system across the City Centre from New Street Station to Centenary Square. The major funding sources are Enterprise Zone and Local Growth Fund.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	1,750	0	£1.750m relating to Metro Extension EZ funding - forecast received from Centro - accelerated spend as per Enterprise Zone forecast approved by the EZ Board 28.09.2015
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>10,067</b>	<b>21,217</b>	
	On Target?			Currently on target.
<b>Paradise Circus S278</b>	Opening Budget	285	285	S278 funding for Paradise Circus for changes to the Highway by Private Developers at this site.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>285</b>	<b>285</b>	
	On Target?			Currently on target.

<b>Supporting Economic Growth</b>	Opening Budget	99	99	Projects to take forward the Councils' 6 economic growth zones and other schemes to unlock growth and reduce congestion across the city.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>99</b>	<b>99</b>	
	On Target?			Currently on target.
<b>Infrastructure Development</b>	Opening Budget	1,530	2,230	Projects and activities to develop future year programmes, including future major transport schemes to be funded by devolved DfT resources provided to Local transport Bodies.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,530</b>	<b>2,230</b>	
	On Target?			Currently on target.
<b>S106/278 Schemes</b>	Opening Budget	293	293	Projects funded from S106 and S278 funds.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>293</b>	<b>293</b>	
	On Target?			Budget is made up of many minor schemes which are currently on target.
<b>Walking &amp; Cycling</b>	Opening Budget	12,737	13,515	Projects to reduce congestion, improve air quality, improve access and improve health and physical fitness.
	Additional / (Reduced) Resources	(77)	(77)	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>12,660</b>	<b>13,438</b>	
	On Target?			Latest projection is completion by September 2016.
<b>Local Accessibility</b>	Opening Budget	1,557	1,807	Local Accessibility Schemes programme, which seeks to improve accessibility for local people wishing to access education, employment, retail and leisure facilities in their local area.
	Additional / (Reduced) Resources	(27)	(27)	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>1,530</b>	<b>1,780</b>	
	On Target?			Programme made up of several schemes currently on target.

<b>Economic Growth Zone</b>	Opening Budget	12,506	16,473	Projects to take forward the Councils' 6 economic growth zones and other schemes to unlock growth and reduce congestion across the city.
	Additional / (Reduced) Resources	(176)	(151)	(£0.200m) moved to Planning & Regen for Metro Centenary Square as PDD approved 15.7.2015. (See Planning & Regen Metro Centenary Square project above) £0.049m other minor adjustments
	(Slippage)/Acceleration	(7,036)	0	(£7.617m) Metro Centenary Square slipped to develop the scheme to FBC stage as agreed by the Project Board 28.09.2015. Centenary Square originally formed part of the Metro Scheme but was transferred into Regeneration who procured an alternatives design through an international design competition which was concluded in the summer of 2015. The programme has thus been revised and the scheme is being developed into an FBC for approval in April 2016. £0.581m other minor adjustments.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>5,294</b>	<b>16,322</b>	
	On Target?			No - slippage on this scheme as explained above.
<b>Enabling Growth &amp; Tackling Congestion</b>	Opening Budget	848	988	The EGTC sub programme has a focus on projects to enable growth and tackle congestion outside of the Economic Growth Zones, and will comprise measures such as larger junction improvements, controlled parking zones and a programme of smaller measures to address congestion and public transport issues raised by stakeholders.
	Additional / (Reduced) Resources	14	14	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>862</b>	<b>1,002</b>	
	On Target?			Programme made up of several schemes currently on target.
<b>Road Safety</b>	Budget	549	549	Road Safety schemes to reduce serious and slight accidents across the City by the redesigning of roads or implementation of safety measures.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>549</b>	<b>549</b>	
	On Target?			Currently on target.
<b>Minor Schemes</b>	Budget	14	14	Residual budgets
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>14</b>	<b>14</b>	
	On Target?			Currently on target.
<b>TOTAL TRANSPORTATION</b>	<b>Opening Budget</b>	<b>110,948</b>	<b>145,960</b>	
	<b>Additional / (Reduced) Resources</b>	<b>971</b>	<b>971</b>	
	<b>(Slippage) / Acceleration</b>	<b>(5,106)</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>106,813</b>	<b>146,931</b>	

<b>ECONOMY DIRECTORATE - CULTURE &amp; COMMISSIONING</b>		<b>2015/16 £'000</b>	<b>All Years £'000</b>	<b>Brief Description and Explanations for Major Changes</b>
<b>Digital Districts</b>	Opening Budget	6,423	6,423	Delivery of Bham Connectivity voucher scheme to encourage the uptake of high speed broadband connectivity.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>6,423</b>	<b>6,423</b>	
	On Target?			Yes. Expected to complete in 2015/16.
<b>Strategic Libraries</b>	Opening Budget	858	858	Construction of the new Library of Birmingham. This is the remaining budget for final payment of residual costs and retentions.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>858</b>	<b>858</b>	
	On Target?			The Library of Birmingham completed in September 2014.
<b>TOTAL CULTURE &amp; COMMISSIONING</b>	<b>Opening Budget</b>	<b>7,281</b>	<b>7,281</b>	
	<b>Additional / (Reduced) Resources</b>	<b>0</b>	<b>0</b>	
	<b>(Slippage)/Acceleration</b>	<b>0</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>7,281</b>	<b>7,281</b>	

<b>ECONOMY DIRECTORATE - CORPORATE RESOURCES</b>		<b>2015/16 £'000</b>	<b>All Years £'000</b>	<b>Brief Description and Explanations for Major Changes</b>
<b>Business Transformation</b>	Opening Budget	444	444	Legacy schemes from the major Business Transformation programme - upgrades to Customer First and EPM.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>444</b>	<b>444</b>	
	On Target?			The EPM business transformation programme is complete. The Customer First element of this programme is under review.
<b>NEC</b>	Opening Budget	26,602	26,602	Schemes for final elements of capital works and other consequences as agreed as part of the NEC Sale.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>26,602</b>	<b>26,602</b>	
	On Target?			NEC now sold. No further spend is expected.
<b>Corporate Resources Held</b>	Opening Budget	0	5,736	Corporate resource originally to help fund whole service asset strategies and latterly to manage capital funding risks.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>0</b>	<b>5,736</b>	
	On Target?			The budget is responsive to need and no use is now forecast in 2015/16
<b>IT Projects</b>	Opening Budget	3,669	3,669	Various IT projects to support and update the Council's IT Infrastructure.
	Additional / (Reduced) Resources	1,132	1,132	£0.254m - Procurement of ICT Power Saving Software - Report to Deputy Leader September 2015. £0.877m Service Birmingham B1 Accomodation Moves - report to Cabinet 22.06.2015. Both schemes are funded by Prudential Borrowing.
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>4,801</b>	<b>4,801</b>	
	On Target?			Yes.

<b>Birmingham Property Projects - Access to Buildings</b>	Opening Budget	50	488	Various Birmingham Property Services Projects.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>50</b>	<b>488</b>	
	On Target?			No - no spending plans in place in 15/16 as above. Budget in 15/16 is for one off works.
<b>Birmingham Property Projects - Working for the Future</b>	Opening Budget	5,911	5,911	Business Transformation - Working for the Future Programme
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>5,911</b>	<b>5,911</b>	
	On Target?			Programme now complete. Awaiting Cabinet decision on residual funding.
<b>Birmingham Property Projects - Icknield Port Loop</b>	Opening Budget	248	248	Residual budget for this scheme.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>248</b>	<b>248</b>	
	On Target?			Budget under review
<b>Birmingham Property Projects - Attwood Green Parks</b>	Opening Budget	59	59	Works to Attwood Green Parks as part of the Attwood Green Regeneration Project.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(30)	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>29</b>	<b>59</b>	
	On Target?			No - some slippage on this scheme
<b>Birmingham Property Projects - Attwood Green Holloway Head</b>	Opening Budget	1,180	1,180	Holloway Head - Creation of a sports pitch and refurbishment of associated changing rooms.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	(680)	0	The agreement for the works to commence has now been signed however there are delays on site due to adverse weather conditions affecting the work programme. Practical completion of this project is now due in the autumn of 2016.
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>500</b>	<b>1,180</b>	
	On Target?			No - as above

<b>Birmingham Property Projects - Woodview Community Centre</b>	Opening Budget	951	951	Provision of a new Community Centre at Woodview Drive, Attwood Green. Cabinet Approval received in April 2014 funded by Capital Receipts.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>951</b>	<b>951</b>	
	On Target?			Yes
<b>Corporate Resources - Software</b>	Opening Budget	200	200	Software developments in Corporate Resources Directorate due to legislative or increased capacity requirements.
	Additional / (Reduced) Resources	(5)	(5)	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>195</b>	<b>195</b>	
	On Target?			Yes - currently on target.
<b>ICentrum</b>	Opening Budget	6,898	6,898	Loan of £7.5m to Birmingham Technology (Property) Ltd for the Innovation Birmingham Icentrum Building
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>6,898</b>	<b>6,898</b>	
	On Target?			Currently on target
<b>Capital Loans &amp; Equity</b>	Opening Budget	11,202	11,202	Capital Equity Investments.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>11,202</b>	<b>11,202</b>	
	On Target?			Yes - currently on target.
<b>ICT Infrastructure</b>	Opening Budget	8,819	50,625	A ten year programme for Enhancements to Core ICT across Birmingham City Council made up of various projects including replacement servers, infrastructure and enhancements to software.
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>8,819</b>	<b>50,625</b>	
	On Target?			Yes



<b>SAP New Developments</b>	Opening Budget	3,940	10,540	New Developments to SAP software including self service portal for budget holders, various upgrades to SAP and new hardware
	Additional / (Reduced) Resources	0	0	
	(Slippage)/Acceleration	0	0	
	(Under) / Overspend	0	0	
	<b>Total Revised Forecast</b>	<b>3,940</b>	<b>10,540</b>	
	On Target?			Yes
<b>TOTAL CORPORATE RESOURCES</b>	<b>Opening Budget</b>	<b>70,173</b>	<b>124,753</b>	
	<b>Additional / (Reduced) Resources</b>	<b>1,127</b>	<b>1,127</b>	
	<b>(Slippage)/ Acceleration</b>	<b>(710)</b>	<b>0</b>	
	<b>(Under) / Overspend</b>	<b>0</b>	<b>0</b>	
	<b>Total Revised Forecast</b>	<b>70,590</b>	<b>125,880</b>	
<b>ECONOMY DIRECTORATE - OVERALL MOVEMENTS</b>	<b>Opening Budget</b>	<b>260,381</b>	<b>545,759</b>	
	<b>Additional / (Reduced) Resources</b>	<b>(19,029)</b>	<b>2,493</b>	
	<b>(Slippage)/ Acceleratio</b>	<b>4,423</b>	<b>(25)</b>	
	<b>(Under) / Overspend</b>	<b>(39)</b>	<b>(14)</b>	
	<b>Total Revised Forecast</b>	<b>245,736</b>	<b>548,213</b>	
<b>OVERALL MOVEMENTS</b>	<b>Opening Budget</b>	<b>501,701</b>	<b>1,193,385</b>	
	<b>Additional / (Reduced) Resources</b>	<b>464</b>	<b>7,990</b>	
	<b>(Slippage)/ Acceleratio</b>	<b>(9,173)</b>	<b>(25)</b>	
	<b>(Under) / Overspend</b>	<b>(140)</b>	<b>(67)</b>	
	<b>Total Revised Forecast</b>	<b>492,852</b>	<b>1,201,283</b>	

CAPITAL - CAPITAL EXPENDITURE PLAN - FORECAST 2015/16 QUARTER 2									Appendix 2			
	2015/16								All Years - 2016-2019			
	Quarter 1 Budget 2015/16 £'000's	Qtr 2 New Schemes £'000's	Revised Quarter 2 Budget £'000's	Forecast Over / Under spend £'000's	Forecast Slippage / Acceleration £'000's	Year End Forecast at Quarter 2 £'000's	Actual Spend at Quarter 2 £'000's	Actual to Date as % of Forecast %	All Years Quarter 1 Budget £'000's	New Schemes All Years £'000's	Over/under spend All Years £'000's	All years Quarter 2 Forecast £'000's
<b>PEOPLE DIRECTORATE</b>												
<b>Adults &amp; Communities</b>												
TeleHealthCare	0	0	0	0	0	0	928	0.0	0	0	0	0
Personalisation, Reform & Efficiency of Adult Social Care	0	401	401	0	0	401	262	65.3	2,379	0	0	2,379
Replacement Vehicles	0	0	0	0	0	0	0	0.0	1,469	0	0	1,469
Programme of Minor Works	1,271	0	1,271	0	0	1,271	131	10.3	1,522	0	0	1,522
Substance Misuse	0	0	0	0	0	0	0	0.0	0	0	0	0
IT Schemes	2,050	0	2,050	0	0	2,050	7	0.3	2,050	0	0	2,050
Homeless Centres	2,117	0	2,117	0	0	2,117	2	0.1	3,017	0	0	3,017
LD Day Centres	1,800	0	1,800	0	0	1,800	904	50.2	1,800	0	0	1,800
Better Care Fund	0	3,118	3,118			3,118	0		0	3,118	0	3,118
<b>Total Adults &amp; Communities</b>	<b>7,238</b>	<b>3,519</b>	<b>10,757</b>	<b>0</b>	<b>0</b>	<b>10,757</b>	<b>2,234</b>	<b>20.8</b>	<b>12,237</b>	<b>3,118</b>	<b>0</b>	<b>15,355</b>
<b>Children, Young People &amp; Families</b>												
Aiming Higher for Disabled Children	325	0	325	0	0	325	18	5.5	775	0	0	775
Devolved Capital Allocation to Schools	2,971	0	2,971	0	0	2,971	1,618	54.5	5,802	0	0	5,802
Capital Maintenance	14,494	6,462	20,956	0	(2,021)	18,935	3,550	18.7	50,547	621	0	51,168
School Based IT	88	0	88	0	0	88	0	0.0	88	0	0	88
Basic Needs / Additional Primary Places	50,199	5,695	55,894	0	(7,894)	48,000	10,451	21.8	130,240	802	0	131,042
Victoria Special School	15	230	245	0	0	245	155	63.3	15	230	0	245
Other Minor Schemes	271	1,228	1,499	0	0	1,499	83	5.5	3,499	0	0	3,499
Business Transformation - Children's	4,000	0	4,000	0	(2,250)	1,750	58	3.3	4,868	0	0	4,868
Section 106	314	38	352	0	0	352	285	81.0	314	38	0	352
Targeted Basic Need	1,603	1,000	2,603	0	0	2,603	664	25.5	2,603	0	0	2,603
Universal Infant Free School Meals	429	535	964	0	0	964	446	46.3	964	0	0	964
Uffculme, Russell Road	916	11	927	0	0	927	136	14.7	916	11	0	927
<b>Total Children, Young People &amp; Families</b>	<b>75,625</b>	<b>15,199</b>	<b>90,824</b>	<b>0</b>	<b>(12,165)</b>	<b>78,659</b>	<b>17,464</b>	<b>22.2</b>	<b>200,631</b>	<b>1,702</b>	<b>0</b>	<b>202,333</b>
<b>TOTAL CAPITAL - PEOPLE DIRECTORATE</b>	<b>82,863</b>	<b>18,718</b>	<b>101,581</b>	<b>0</b>	<b>(12,165)</b>	<b>89,416</b>	<b>19,698</b>	<b>22.0</b>	<b>212,868</b>	<b>4,820</b>	<b>0</b>	<b>217,688</b>

**CAPITAL - CAPITAL EXPENDITURE PLAN - FORECAST 2015/16 QUARTER 1**

	2015/16									All Years - 2016-2019			
	Quarter 1 Budget 2015/16 £'000's	Qtr 2 New Schemes £'000's	Revised Quarter 2 Budget £'000's	Forecast Over / Under spend £'000's	Forecast Slippage / Acceleration £'000's	Year End Forecast at Quarter 2 £'000's	Actual Spend at Quarter 2 £'000's	Actual to Date as % of Forecast %		Quarter 1 Approved Budget £'000's	Qtr 2 New Schemes £'000's	Over/under spend £'000's	Revised Quarter 2 Budget £'000's
<b>PLACE DIRECTORATE</b>													
<b>General Fund</b>													
Highways - General Fund													
Safer Routes to Schools	567	0	567	0	0	567	197	34.7		897	0	0	897
Network Integrity	1,254	(60)	1,194	0	0	1,194	228	19.1		1,829	(60)	0	1,769
Road Safety	605	0	605	0	0	605	50	8.3		980	0	0	980
Highway Structures	1,395	48	1,443	0	0	1,443	460	31.9		1,395	48	0	1,443
Land Drainage and Flood Defences	1,308	0	1,308	0	0	1,308	0	0.0		2,115	0	0	2,115
Other Minor Schemes	143	60	203	0	0	203	75	36.9		143	60	0	203
Local Growth Fund	48	(48)	0	0	0	0	0	0.0		48	(48)	0	0
<b>Total Highways GF</b>	<b>5,320</b>	<b>0</b>	<b>5,320</b>	<b>0</b>	<b>0</b>	<b>5,320</b>	<b>1,009</b>	<b>19.0</b>		<b>7,407</b>	<b>0</b>	<b>0</b>	<b>7,407</b>
Affordable Housing	650	0	650	0	0	650	182	28.0		1,350	0	0	1,350
Independent Living	4,279	0	4,279	0	0	4,279	2,032	47.5		12,054	0	0	12,054
Other Programmes	7,884	0	7,884	0	0	7,884	125	1.6		12,768	0	0	12,768
<b>Total Private Sector Housing GF</b>	<b>12,813</b>	<b>0</b>	<b>12,813</b>	<b>0</b>	<b>0</b>	<b>12,813</b>	<b>2,339</b>	<b>18.3</b>		<b>26,172</b>	<b>0</b>	<b>0</b>	<b>26,172</b>
Other - General Fund													
Sport - Swimming Pool Facilities	11,895	99	11,994	0	0	11,994	239	2.0		46,816	1	48	46,865
Fleet & Waste Management	24,001	0	24,001	0	0	24,001	8,487	35.4		27,666	0	0	27,666
Parks	3,600	368	3,968	(13)	(678)	3,277	598	18.2		4,256	368	(13)	4,611
Bereavement Services	16	0	16	0	0	16	(9)	(56.3)		16	0	0	16
Markets	3	(3)	0	0	0	0	0	0.0		3	(3)	0	0
Community Initiatives	642	0	642	0	(292)	350	0	0.0		642	0	0	642
Regulation and Enforcement	0	0	0	0	0	0	0	0.0		372	0	0	372
Other Services	7	0	7	0	0	7	11	157.1		7	0	0	7
<b>Total Place Other GF</b>	<b>40,164</b>	<b>464</b>	<b>40,628</b>	<b>(13)</b>	<b>(970)</b>	<b>39,645</b>	<b>9,325</b>	<b>23.5</b>		<b>79,778</b>	<b>366</b>	<b>35</b>	<b>80,179</b>
<b>Total General Fund</b>	<b>58,297</b>	<b>464</b>	<b>58,761</b>	<b>(13)</b>	<b>(970)</b>	<b>57,778</b>	<b>12,673</b>	<b>21.9</b>		<b>113,357</b>	<b>366</b>	<b>35</b>	<b>113,758</b>
Community Sport	(5)	0	(5)	0	0	(5)	194	0.0		(5)	0	0	(5)
Community Libraries	782	71	853	(88)	(461)	304	36	11.8		782	71	(88)	765
Community Development & Play	1,725	0	1,725	0	0	1,725	1,514	87.8		1,743	0	0	1,743
Community Parks	148	240	388	0	0	388	228	58.8		180	240	0	420
Community Chest	45	0	45	0	0	45	3	6.7		45	0	0	45
Districts and Neighbourhoods	8	0	8	0	0	8	0	0.0		8	0	0	8
<b>Total District Services</b>	<b>2,703</b>	<b>311</b>	<b>3,014</b>	<b>(88)</b>	<b>(461)</b>	<b>2,465</b>	<b>1,976</b>	<b>80.2</b>		<b>2,753</b>	<b>311</b>	<b>(88)</b>	<b>2,976</b>
<b>HRA</b>													
Housing Improvement Programme	34,584	0	34,584	0	0	34,584	16,617	48.0		115,041	0	0	115,041
Other Essential Works	12,125	0	12,125	0	0	12,125	2,186	18.0		32,740	0	0	32,740
Redevelopment	41,685	0	41,685	0	0	41,685	14,194	34.1		142,298	0	0	142,298
Other Programmes	9,063	0	9,063	0	0	9,063	4,331	47.8		28,569	0	0	28,569
<b>Total HRA</b>	<b>97,457</b>	<b>0</b>	<b>97,457</b>	<b>0</b>	<b>0</b>	<b>97,457</b>	<b>37,328</b>	<b>38.3</b>		<b>318,648</b>	<b>0</b>	<b>0</b>	<b>318,648</b>
<b>TOTAL CAPITAL - PLACE DIRECTORATE</b>	<b>158,457</b>	<b>775</b>	<b>159,232</b>	<b>(101)</b>	<b>(1,431)</b>	<b>157,700</b>	<b>51,978</b>	<b>33.0</b>		<b>434,758</b>	<b>677</b>	<b>(53)</b>	<b>435,382</b>

CAPITAL - CAPITAL EXPENDITURE PLAN - FORECAST 2015/16 QUARTER 1									Appendix 2			
	2015/16								All Years - 2016-2019			
	Quarter 1 Budget 2015/16 £'000's	Qtr 2 New Schemes £'000's	Revised Quarter 2 Budget £'000's	Forecast Over / Under spend £'000's	Forecast Slippage / Acceleration £'000's	Year End Forecast at Quarter 2 £'000's	Actual Spend at Quarter 2 £'000's	Actual to Date as % of Forecast %	Quarter 1 Approved Budget £'000's	Qtr 2 New Schemes £'000's	Over/under spend £'000's	Revised Quarter 2 Budget £'000's
<b>ECONOMY DIRECTORATE</b>												
Enterprise Zone - Paradise Circus	4,879	0	4,879	0	13,985	18,864	7,670	40.7	62,562	0	0	62,562
Enterprise Zone - Site Development & Access	4,950	0	4,950	0	0	4,950	1,645	33.2	13,950	0	0	13,950
Enterprise Zone	0	0	0	0	0	0	2	0.0	0	0	0	0
Enterprise Zone - Connect Econ	0	476	476	0	84	560	0	0.0	316	476	0	792
Enterprise Zone - Southern Gateway Site	2,000	0	2,000	0	(2,000)	0	0	0.0	35,470	0	0	35,470
Enterprise Zone - LEP Investment Fund	0	0	0	0	0	0	0	0.0	20,000	0	0	20,000
Enterprise Zone - HS2 Curzon St Site	0	0	0	0	0	0	0	0.0	30,000	0	0	30,000
Enterprise Zone - HS2 Interchange Site	0	0	0	0	0	0	0	0.0	20,000	0	0	20,000
Enterprise Zone - Snow Hill Public Realm	0	326	326	0	0	326	0	0.0	275	326	0	601
Enterprise Zone - Metro Centenary Square	0	200	200	0	0	200	42	21.0	0	200	0	200
Enterprise Zone - City Centre Links	1,805	0	1,805	0	(1,805)	0	0	0.0	13,069	0	0	13,069
Enterprise Zone - One Station	185	0	185	0	0	185	57	30.8	809	0	0	809
<b>Total Enterprise Zone</b>	<b>13,819</b>	<b>1,002</b>	<b>14,821</b>	<b>0</b>	<b>10,264</b>	<b>25,085</b>	<b>9,416</b>	<b>37.5</b>	<b>196,451</b>	<b>1,002</b>	<b>0</b>	<b>197,453</b>
<b>Regeneration</b>												
East Aston RIS	770	506	1,276	0	0	1,276	875	68.6	4,481	506	0	4,987
Life Sciences	7,192	0	7,192	0	0	7,192	5,415	75.3	7,192	0	0	7,192
Women's Enterprise	1,203	0	1,203	0	0	1,203	943	78.4	1,303	0	0	1,303
Longbridge Regen	169	0	169	0	0	169	14	8.3	772	0	0	772
Local Centres	1,480	0	1,480	0	(25)	1,455	109	7.5	1,767	0	0	1,767
ERDF Land & Property	3,426	0	3,426	(39)	0	3,387	1,290	38.1	3,426	0	(39)	3,387
Eastside	1,766	(1,766)	0	0	0	0	0	0.0	1,766	(1,766)	0	0
Big City Plan	940	0	940	0	0	940	270	28.7	940	0	0	940
Conservation	0	0	0	0	0	0	0	0.0	276	0	0	276
Business Innovation Programme	0	0	0	0	0	0	1,189	0.0	0	0	0	0
Green Bridge Supply Chain	0	0	0	0	0	0	2,268	0.0	0	0	0	0
Local Improvement Budget	90	0	90	0	0	90	27	30.0	90	0	0	90
Other City Centre Projects	4,039	0	4,039	0	0	4,039	1,461	36.2	4,120	0	0	4,120
New Wholesale Markets	36,232	(20,067)	16,165	0	0	16,165	10	0.1	44,177	1,455	0	45,632
Planning - Other	51	0	51	0	0	51	1	2.0	202	0	0	202
Local Growth Fund	802	(802)	0	0	0	0	0	0.0	802	(802)	0	0
National College for HS2	0	0	0	0	0	0	59	0.0	0	0	0	0
<b>Total Other Planning &amp; Regeneration Projects</b>	<b>58,160</b>	<b>(22,129)</b>	<b>36,031</b>	<b>(39)</b>	<b>(25)</b>	<b>35,967</b>	<b>13,929</b>	<b>38.7</b>	<b>71,314</b>	<b>(607)</b>	<b>(39)</b>	<b>70,668</b>
<b>Total Planning &amp; Regeneration</b>	<b>71,979</b>	<b>(21,127)</b>	<b>50,852</b>	<b>(39)</b>	<b>10,239</b>	<b>61,052</b>	<b>23,346</b>	<b>38.2</b>	<b>267,765</b>	<b>395</b>	<b>(39)</b>	<b>268,121</b>
<b>Transportation - Major Schemes</b>												
New Street Station (Gateway)	8,692	0	8,692	0	0	8,692	2,916	33.5	13,839	0	0	13,839
Grand Central	49,950	1,004	50,954	0	0	50,954	28,476	55.9	49,950	1,004	0	50,954
Coventry Road A45	3,334	0	3,334	0	0	3,334	622	18.7	3,334	0	0	3,334
Local Growth Fund	5,471	248	5,719	0	180	5,899	563	9.5	16,601	223	0	16,824
Selly Oak Relief Road	267	(15)	252	0	0	252	9	3.6	267	(15)	0	252
Chester Road	4,499	0	4,499	0	0	4,499	2,031	45.1	4,499	0	0	4,499
Metro Extension	8,317	0	8,317	0	1,750	10,067	377	3.7	21,217	0	0	21,217
Arena Central Section 278	0	0	0	0	0	0	4	0.0	0	0	0	0
Paradise Circus Section 278	285	0	285	0	0	285	90	31.6	285	0	0	285
<b>Total Transportation Major Schemes</b>	<b>80,815</b>	<b>1,237</b>	<b>82,052</b>	<b>0</b>	<b>1,930</b>	<b>83,982</b>	<b>35,088</b>	<b>41.8</b>	<b>109,992</b>	<b>1,212</b>	<b>0</b>	<b>111,204</b>

## CAPITAL - CAPITAL EXPENDITURE PLAN - FORECAST 2015/16 QUARTER 1

Appendix 2

	2015/16								All Years - 2016-2019			
	Quarter 1 Budget 2015/16 £'000's	Qtr 2 New Schemes £'000's	Revised Quarter 2 Budget £'000's	Forecast Over / Under spend £'000's	Forecast Slippage / Acceleration £'000's	Year End Forecast at Quarter 2 £'000's	Actual Spend at Quarter 2 £'000's	Actual to Date as % of Forecast %	Quarter 1 Approved Budget £'000's	Qtr 2 New Schemes £'000's	Over/under spend £'000's	Revised Quarter 2 Budget £'000's
<b>Transportation Programmes &amp; Minor Schemes</b>												
Supporting Economic Growth	99	0	99	0	0	99	1	1.0	99	0	0	99
Infrastructure Development	1,530	0	1,530	0	0	1,530	251	16.4	2,230	0	0	2,230
Section 106/278 Schemes	293	0	293	0	0	293	131	44.7	293	0	0	293
Walking & Cycling	12,737	(77)	12,660	0	0	12,660	3,351	26.5	13,515	(77)	0	13,438
Local Accessibility	1,557	(27)	1,530	0	0	1,530	50	3.3	1,807	(27)	0	1,780
Economic Growth Zone	12,506	(176)	12,330	0	(7,036)	5,294	1,360	25.7	16,473	(151)	0	16,322
Enabling Growth & Tackling Congestion	848	14	862	0	0	862	32	3.7	988	14	0	1,002
Road Safety	549	0	549	0	0	549	32	5.8	549	0	0	549
Minor Schemes	14	0	14	0	0	14	0	0.0	14	0	0	14
<b>Total Transportation Progs &amp; Minor Schemes</b>	<b>30,133</b>	<b>(266)</b>	<b>29,867</b>	<b>0</b>	<b>(7,036)</b>	<b>22,831</b>	<b>5,208</b>	<b>22.8</b>	<b>35,968</b>	<b>(241)</b>	<b>0</b>	<b>35,727</b>
<b>Total Transportation</b>	<b>110,948</b>	<b>971</b>	<b>111,919</b>	<b>0</b>	<b>(5,106)</b>	<b>106,813</b>	<b>40,296</b>	<b>37.7</b>	<b>145,960</b>	<b>971</b>	<b>0</b>	<b>146,931</b>
Museums & Arts	0	0	0	0	0	0	(12)	0.0				
Digital Districts	6,423	0	6,423	0	0	6,423	1,230	19.1	6,423	0	0	6,423
Strategic Libraries	858	0	858	0	0	858	81	9.4	858	0	0	858
<b>Total Culture</b>	<b>7,281</b>	<b>0</b>	<b>7,281</b>	<b>0</b>	<b>0</b>	<b>7,281</b>	<b>1,299</b>	<b>17.8</b>	<b>7,281</b>	<b>0</b>	<b>0</b>	<b>7,281</b>
<b>Corporate Resources</b>												
<b>Birmingham Property Services:</b>												
Access to Buildings	50	0	50	0	0	50	0	0.0	488	0	0	488
Business Transformation - Working for the Future	5,911	0	5,911	0	0	5,911	1	0.0	5,911	0	0	5,911
Icknield Port Loop	248	0	248	0	0	248	749	302.0	248	0	0	248
Attwood Green Park	59	0	59	0	(30)	29	0	0.0	59	0	0	59
Attwood Green - Holloway Head	1,180	0	1,180	0	(680)	500	(5)	(1.0)	1,180	0	0	1,180
Attwood Green - Woodview CC	951	0	951	0	0	951	851	89.5	951	0	0	951
<b>Total Birmingham Property Services Projects</b>	<b>8,399</b>	<b>0</b>	<b>8,399</b>	<b>0</b>	<b>(710)</b>	<b>7,689</b>	<b>1,596</b>	<b>20.8</b>	<b>8,837</b>	<b>0</b>	<b>0</b>	<b>8,837</b>
Business Transformation	444	0	444	0	0	444	0	0.0	444	0	0	444
NEC /NIA Capital Works	26,602	0	26,602	0	0	26,602	26,461	99.5	26,602	0	0	26,602
Corporate Held Funds	0	0	0	0	0	0	0	0.0	5,736	0	0	5,736
IT Projects	3,669	1,132	4,801	0	0	4,801	1,204	25.1	3,669	1,132	0	4,801
Corporate Resources (Software)	200	(5)	195	0	0	195	116	59.5	200	(5)	0	195
Icentrum	6,898	0	6,898	0	0	6,898	2,464	35.7	6,898	0	0	6,898
Capital Loans & Equity Funds	11,202	0	11,202	0	0	11,202	810	7.2	11,202	0	0	11,202
ICT Infrastructure & SAP	8,819	0	8,819	0	0	8,819	0	0.0	50,625	0	0	50,625
SAP New Developments	3,940	0	3,940	0	0	3,940	75	1.9	10,540	0	0	10,540
<b>Total Other Corporate Resources</b>	<b>61,774</b>	<b>1,127</b>	<b>62,901</b>	<b>0</b>	<b>0</b>	<b>62,901</b>	<b>31,130</b>	<b>49.5</b>	<b>115,916</b>	<b>1,127</b>	<b>0</b>	<b>117,043</b>
<b>Total Corporate Resources</b>	<b>70,173</b>	<b>1,127</b>	<b>71,300</b>	<b>0</b>	<b>(710)</b>	<b>70,590</b>	<b>32,726</b>	<b>46.4</b>	<b>124,753</b>	<b>1,127</b>	<b>0</b>	<b>125,880</b>
<b>Total Employment Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>196</b>	<b>0.0</b>	<b>0</b>			
<b>Total Economy</b>	<b>260,381</b>	<b>(19,029)</b>	<b>241,352</b>	<b>(39)</b>	<b>4,423</b>	<b>245,736</b>	<b>97,863</b>	<b>140</b>	<b>545,759</b>	<b>2,493</b>	<b>(39)</b>	<b>548,213</b>
<b>Total Capital Programme</b>	<b>501,701</b>	<b>464</b>	<b>502,165</b>	<b>(140)</b>	<b>(9,173)</b>	<b>492,852</b>	<b>169,540</b>	<b>34.4</b>	<b>1,193,385</b>	<b>7,990</b>	<b>(92)</b>	<b>1,201,283</b>

<b>Capital Monitoring as at 30th September 2015</b>					<b>Appendix 3</b>
		<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Later Years</b>
<b>Expenditure</b>		<b>£'000's</b>	<b>£'000's</b>	<b>£'000's</b>	<b>£'000's</b>
Approved Budget Quarter 1 2015/16		501,701	326,947	257,319	107,418
New Resources		464	26,737	(19,211)	0
<b>Revised Budget Quarter 2</b>		<b>502,165</b>	<b>353,684</b>	<b>238,108</b>	<b>107,418</b>
Forecast Slippage - Quarter 1		0	0	0	0
Forecast Slippage - Quarter 2		(9,173)	(3,173)	(11,580)	23,926
Forecast Overspend (Underspend)		(140)	48	0	0
<b>Forecast Outturn at Quarter 2</b>		<b>492,852</b>	<b>350,559</b>	<b>226,528</b>	<b>131,344</b>
<b>Resources</b>					
<b>Use of Specific Resources:</b>					
Grants & Contributions		159,667	125,345	56,720	1,300
Earmarked Capital Receipts - RTB		15,159	10,529	13,557	0
Revenue Contributions - Departmental		6,452	154	155	160
Revenue Contributions - HRA		66,310	78,334	85,318	0
Revenue Contributions - S106 Reserve		2,779	3,252	50	0
Revenue Contributions - Income Generation		0	0	0	0
		<b>250,367</b>	<b>217,614</b>	<b>155,800</b>	<b>1,460</b>
<b>Use of Corporate or General Resources:</b>					
Unsupported Prudential Borrowing - General*		44,514	11,753	1,442	0
Unsupported Prudential Borrowing - Corporate		14,752	2,899	0	0
Unsupported Prudential Borrowing - Directorate		183,219	118,293	69,286	129,884
<b>Forecast Use of Resources</b>		<b>492,852</b>	<b>350,559</b>	<b>226,528</b>	<b>131,344</b>

\* General Prudential Borrowing to replace the use of receipts, revenue contributions and corporate resources to fund Equal Pay.

**Additional or Reductions in Prudential Borrowing for Capital Schemes July to September 2015**

	2015/16	2016/17	2018/19	Later Years	Total
	£'000	£'000	£'000	£'000	£'000
<b><u>Service Prudential Borrowing:</u></b>					
<b><u>Place Directorate</u></b>					
Cofton Nurseries Redevelopment	367	0	0	0	<b>367</b>
<b><u>Economy Directorate:</u></b>					
Enterprise Zone	200	0	0	0	<b>200</b>
New Wholesale Markets	(23,068)	21,030	492	0	<b>(1,546)</b>
Grand Central	1,000	0	0	0	<b>1,000</b>
Economic Growth Zone	(200)	0	0	0	<b>(200)</b>
NEC	(2,516)	0	0	0	<b>(2,516)</b>
B1 Agility Refresh	877	0	0	0	<b>877</b>
Cisco Energy Wise	254	0	0	0	<b>254</b>
<b>Total Service Prudential Borrowing</b>	<b>(23,086)</b>	<b>21,030</b>	<b>492</b>	<b>0</b>	<b>(1,564)</b>
<b>Total Addition / (Reduction) in Prudential Borrowing</b>	<b>(23,086)</b>	<b>21,030</b>	<b>492</b>	<b>0</b>	<b>(1,564)</b>

## Treasury Portfolio Summary

## Appendix 5

	14/15 Q2 30-Sep-14		14/15 Q3 31-Dec-14		14/15 Q4 31-Mar-15		15/16 Q1 30-Jun-15		15/16 Q2 30-Sep-15	
PWLB	2,225,597,000	73.6%	2,225,597,000	71.0%	2,250,597,000	73.8%	2,255,497,000	77.1%	2,250,922,000	77.4%
Bonds	222,631,226	7.4%	222,631,026	7.1%	222,630,926	7.3%	295,630,344	10.1%	295,630,344	10.2%
LOBO's (note 1)	206,850,000	6.8%	206,850,000	6.6%	206,850,000	6.8%	206,850,000	7.1%	206,850,000	7.1%
Long Term Other	1,325	0.0%	1,325	0.0%	1,325	0.0%	1,325	0.0%	1,325	0.0%
Short Term	459,178,892	15.2%	547,708,424	17.5%	444,258,980	14.6%	225,612,074	7.7%	228,448,596	7.9%
Quasi Loan (Salix loans)	335,602	0.0%	335,602	0.0%	311,566	0.0%	311,566	0.0%	287,531	0.0%
<b>Gross Debt</b>	<b>3,114,594,045</b>	103.0%	<b>3,203,123,377</b>	102.2%	<b>3,124,649,797</b>	102.4%	<b>2,983,902,310</b>	102.0%	<b>2,982,139,795</b>	102.5%
Less Investments	(91,900,096)	-3.0%	(70,250,000)	-2.2%	(73,718,104)	-2.4%	(58,250,159)	-2.0%	(73,539,852)	-2.5%
<b>Net Debt</b>	<b>3,022,693,949</b>	100.0%	<b>3,132,873,377</b>	100.0%	<b>3,050,931,693</b>	100.0%	<b>2,925,652,151</b>	100.0%	<b>2,908,599,943</b>	100.0%
Year-End Budgeted Net Debt	3,212,866,000	94.1%	3,212,866,000	97.5%	3,212,866,000	95.0%	3,279,000,000	89.2%	3,279,000,000	88.7%
Prudential Borrowing Limit	3,609,915,000		3,609,915,000		3,609,915,000		3,740,000,000		3,740,000,000	

### Notes

#### LOBO Loan

1. A Lender's Option Borrower's Option loan (LOBO) is a market loan in which typically the lender has a periodic opportunity to offer and adjust rate, and the borrower has the option to either accept this rate or repay the loan in full at par.



**1st July 2015 - 30th September 2015**

**New Long Term Loans**

Date of loan	Loan	Counter Party	Interest Rate	Maturity Date
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No new long term loans were taken during the quarter

**Long Term Loans prematurely repaid during the quarter.**

Date of repayment	Loan/ (Repayment)	Counter Party	Interest Rate	Maturity Date	Premia/ (Discounts)
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No long term loans were prematurely repaid during the quarter.

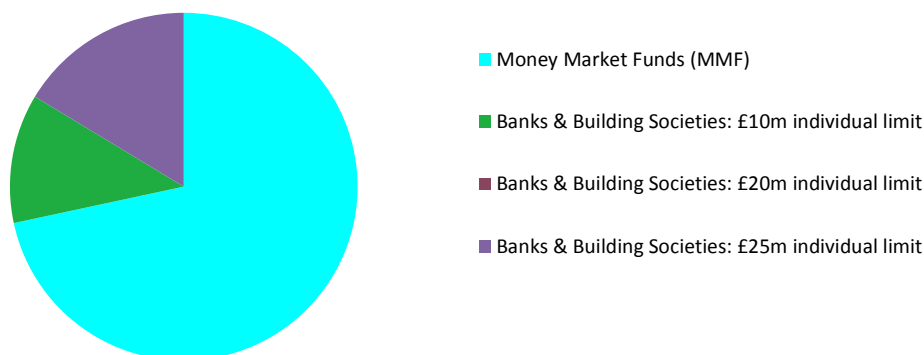
**Short term loan debt outstanding at 30 September 2015**

Institution	Average Rate %	Amount
local authorities	0.46%	227,005,000
other lenders	0.41%	1,443,596
<b>total short term loan debt outstanding</b>	<b>0.47%</b>	<b>228,448,596</b>

Short term loans are borrowed for a period of less than 12 months. The interest rate is likely to be close to bank base and will change broadly in line with base rate changes.

**Treasury Investments Outstanding at 30 September 2015**

		Fitch Rating				
		Short Term /				
Investments by Institution:		Long Term	End Date	Rate %	Amount	
MMF	CCLA Public Sector Deposit MMF	AAAmmf	01/10/15	0.45%	5,000,000	
MMF	Amundi MMF	AAAmmf	01/10/15	0.50%	35,100,000	
MMF	Ignis MMF	AAAmmf	01/10/15	0.49%	2,630,000	
MMF	SWIP MMF	AAAmmf	01/10/15	0.47%	9,950,000	
1	Svenska Handelsbanken	F1+/AA-	01/10/15	0.45%	11,910,000	
1	HSBC	F1+/AA-	01/10/15	0.30%	100,000	
4	Barclays Bank	F1/A	01/10/15	0.50%	8,850,000	
Total					73,540,000	
Investments by type:			Previous Quarter		Current Quarter	
				%		%
MMF	3	Money Market Funds (MMF)	6,100,000	10.5	52,680,000	71.6
4		Banks & Building Societies: £10m individual limit	8,350,000	14.3	8,850,000	12.0
3	6	Banks & Building Societies: £20m individual limit	25,000,000	42.9	0	0.0
1	7	Banks & Building Societies: £25m individual limit	18,800,000	32.3	12,010,000	16.3
			58,250,000	100.0	73,540,000	100.0

**Investments as at 30 September 2015**

**Treasury Management Investments**  
**1st July 2015 to 30th September 2015**

**New Investments Market Fixed Term Deposits**

	<b>Date Out</b>	<b>Date In</b>	<b>Borrower</b>	<b>Amount £</b>	<b>Interest Rate</b>
1	01-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	1,000,000	0.50%
2	01-Jul-15	Call Account	HSBC BANK PLC	5,000,000	0.30%
3	10-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	430,000	0.50%
4	15-Jul-15	Call Account	HANDELSBANKEN	6,900,000	0.45%
5	16-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	250,000	0.50%
6	17-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	1,900,000	0.50%
7	17-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	500,000	0.50%
8	20-Jul-15	Call Account	HANDELSBANKEN	2,900,000	0.45%
9	21-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	400,000	0.50%
10	28-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	2,300,000	0.50%
11	28-Jul-15	Call Account	HANDELSBANKEN	3,000,000	0.45%
12	31-Jul-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	1,290,000	0.50%
13	04-Aug-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	2,000,000	0.50%
14	06-Aug-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	900,000	0.50%
15	07-Aug-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	800,000	0.50%
16	12-Aug-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	1,650,000	0.50%
17	27-Aug-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	5,000,000	0.50%
18	01-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	4,068,761	0.50%
19	01-Sep-15	Call Account	HSBC BANK PLC	6,900,000	0.30%
20	03-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	600,000	0.50%
21	04-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	175,000	0.50%
22	04-Sep-15	Call Account	HANDELSBANKEN	2,000,000	0.45%
23	08-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	225,000	0.50%
24	14-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	300,000	0.50%
25	23-Sep-15	Call Account	HANDELSBANKEN	12,100,000	0.45%
26	24-Sep-15	Call Account	HANDELSBANKEN	1,700,000	0.45%
27	25-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	1,300,000	0.50%
28	25-Sep-15	Call Account	HANDELSBANKEN	8,250,000	0.45%
29	29-Sep-15	Call Account	HANDELSBANKEN	3,660,000	0.45%
30	30-Sep-15	Call Account	BARCLAYS BANK PLC FIBCA A/C	850,000	0.50%

In addition to the above deposits with individual institutions the Council uses money market funds and other call accounts where money may be added or withdrawn usually without notice. A summary of transactions for the quarter is as follows:

**New Investments Call Accounts**

	<b>No of Transactions</b>		<b>Average</b>	<b>Average</b>
	<b>Investments</b>	<b>Withdrawals</b>	<b>Balance</b>	<b>Rate Earned</b>
Aberdeen (SWIP)	13	17	12,957,301	0.48%
Amundi Money Market Fund	2	2	6,904,348	0.47%
Blackrock Money Market Fund	1	1	1,515,217	0.35%
CCLA Public Sector Deposit Fund	0	0	5,000,000	0.40%
Federated Money Market Fund	3	2	595,652	0.47%
LGIM Money Market Fund	5	7	6,488,022	0.47%
Standard Life (Ignis) Sterling Liq	16	9	29,733,620	0.49%

Deposits may be made with Barclays Bank as the City Council's bank to invest balances overnight which otherwise would remain in the current account at a lower rate of interest. These are minimised as far as possible.

**Accountable Body Investments - 30th September 2015**

	Growing Places Fund	Advanced Manufacturing Supply Chain Initiative	Regional Growth Fund	Green Bridge	Total
	£000	£000	£000	£000	£000
Goldman Sachs Money Market Fund	4,712	8,290			<b>13,002</b>
JP Morgan Money Market Fund			12,778		<b>12,778</b>
<b>Total Money Market Funds</b>	4,712	8,290	12,778	0	<b>25,780</b>
Debt Management Office	6,000			2,710	<b>8,710</b>
Treasury Bills	6,393	74,938			<b>81,331</b>
<b>Total Accountable Body investments</b>	<b>17,105</b>	<b>83,228</b>	<b>12,778</b>	<b>2,710</b>	<b>115,821</b>

**Note**

This appendix shows amounts invested externally by the City Council as Accountable Body.  
These are separate from the Council's own investments.

## DEBT AND PRUDENTIAL INDICATORS

### DEBT AND PRUDENTIAL INDICATORS: WHOLE COUNCIL

	15/16 Indicators £m	15/16 Forecast £m	16/17 Indicators £m	16/17 Forecast £m	17/18 Indicators £m	17/18 Forecast £m
<b>Capital Finance</b>						
1 Capital Expenditure - Capital Programme	487.5	492.9	219.7	350.6	339.1	226.5
2 Capital Expenditure - other long term liabilities	27.8	27.7	27.6	27.4	28.6	28.3
3 Capital expenditure	515.3	520.5	247.3	377.9	367.7	254.9
4 Capital Financing Requirement (CFR)	4,663.7	4,606.2	4,665.8	4,648.8	4,623.8	4,568.1
<b>Planned Debt</b>						
5 Peak loan debt in year	3,531.3	3,396.5	3,496.1	3,447.6	3,571.8	3,523.5
6 + Other long term liabilities (peak in year)	513.8	514.3	492.6	492.9	470.4	470.5
7 = Peak debt in year	4,045.1	3,910.8	3,988.7	3,940.5	4,042.2	3,994.0
8 does peak debt exceed year 3 CFR?	no	no	no	no	no	no
<b>Prudential limit for debt</b>						
9 Gross loan debt	3,740.0	3,396.5	3,760.0	3,447.6	3,880.0	3,523.5
10 + other long term liabilities	560.0	514.3	540.0	492.9	520.0	470.5
11 = Total debt	4,300.0	3,910.8	4,300.0	3,940.5	4,400.0	3,994.0

### Notes

- 4 The Capital Financing Requirement represents the underlying level of borrowing needed to finance historic capital expenditure (after deducting debt repayment charges). This includes all elements of CFR including Transferred Debt.
- 5-7 These figures represent the forecast peak debt (which may not occur at the year end). The Prudential Code calls these indicators the Operational Boundary.
- 8 It would be a cause for concern if the Council's loan debt exceeded the CFR, but this is not the case due to positive cashflows, reserves and balances. The Prudential Code calls this Borrowing and the capital financing requirement.
- 11 The Authorised limit for debt is the statutory debt limit. The City Council may not breach the limit it has set, so it includes allowance for uncertain cashflow movements and potential borrowing in advance for future needs.

**DEBT AND PRUDENTIAL INDICATORS:  
HOUSING REVENUE ACCOUNT**

	15/16 Indicators £m	15/16 Forecast £m	16/17 Indicators £m	16/17 Forecast £m	17/18 Indicators £m	17/18 Forecast £m
<b>Capital Finance</b>						
1 Capital expenditure	100.1	97.5	106.6	114.7	102.6	106.5
<b>HRA Debt</b>						
2 Capital Financing Requirement (CFR)	1,113.5	1,101.7	1,126.4	1,115.8	1,117.9	1,107.3
3 Statutory cap on HRA debt	1,141.6	1,140.4	1,150.4	1,150.4	1,150.4	1,150.4
<b>Affordability</b>						
4 HRA financing costs	98.4	98.3	98.7	98.3	99.3	98.9
5 HRA revenues	290.0	289.9	294.1	294.0	302.6	302.5
6 HRA financing costs as % of revenues	33.9%	33.9%	33.6%	33.4%	32.8%	32.7%
7 HRA debt : revenues	3.8	3.8	3.8	3.8	3.7	3.7
8 Forecast Housing debt per dwelling	£17,717	£17,546	£17,984	£17,815	£17,877	£17,708
9 Estimate of the incremental impact of new capital investment decisions on housing rents. (expressed in terms of ave. weekly housing rent)	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00

**Notes**

- 2- The HRA Capital Financing Requirement (CFR) is being used by the Government as the measure of HRA debt for the purposes of establishing a cap
- 3 on HRA borrowing for each English Housing authority.
- 4 Financing costs include interest and MRP (or depreciation in the HRA)
- 7 This indicator is not in the Prudential Code but is a key measure of long term sustainability. It is targeted to reduce this measure below 2.0 by 2025/26.
- 8 This indicator is not in the Prudential Code but is a key measure of affordability: the HRA debt per dwelling should not rise significantly over time
- 9 The cost of borrowing for the Capital Programme represents the interest and repayment costs arising from any new prudential borrowing introduced in the capital programme since the last revision at Quarter 2, expressed in terms of an average weekly rent. The calculation excludes the cost of borrowing which is funded from additional income or savings. As all planned HRA borrowing is funded from additional income in this way, the impact is zero. The Prudential Code calls this the Estimate of the incremental impact of capital investment decisions on housing rents.

## HOUSING REVENUE ACCOUNT

		15/16	15/16	16/17	16/17	17/18	17/18
		Indicators	Forecast	Indicators	Forecast	Indicators	Forecast
		£m	£m	£m	£m	£m	£m
<b>Capital Finance</b>							
1	Capital expenditure	100.1	97.5	106.6	114.7	102.6	106.5
<b>HRA Debt</b>							
2	Capital Financing Requirement (CFR)	1,113.5	1,101.7	1,126.4	1,115.8	1,117.9	1,107.3
3	Statutory cap on HRA debt	1,141.6	1,140.4	1,150.4	1,150.4	1,150.4	1,150.4
<b>Affordability</b>							
4	HRA financing costs	98.4	98.3	98.7	98.3	99.3	98.9
5	HRA revenues	290.0	289.9	294.1	294.0	302.6	302.5
6	HRA financing costs as % of revenues	33.9%	33.9%	33.6%	33.4%	32.8%	32.7%
7	HRA debt : revenues	3.8	3.8	3.8	3.8	3.7	3.7
8	Forecast Housing debt per dwelling	£17,717	£17,546	£17,984	£17,815	£17,877	£17,708
9	Estimate of the incremental impact of new capital investment decisions on housing rents.	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
	(expressed in terms of ave. weekly housing rent)						

## Notes

- 2- The HRA Capital Financing Requirement (CFR) is being used by the Government as the measure of HRA debt for the purposes of establishing a cap on HRA borrowing for each English Housing authority.
- 3 HRA borrowing for each English Housing authority.
- 4 Financing costs include interest and MRP (or depreciation in the HRA)
- 7 This indicator is not in the Prudential Code but is a key measure of long term sustainability. It is targeted to reduce this measure below 2.0 by 2025/26.
- 8 This indicator is not in the Prudential Code but is a key measure of affordability: the HRA debt per dwelling should not rise significantly over time
- 9 The cost of borrowing for the Capital Programme represents the interest and repayment costs arising from any new prudential borrowing introduced in the capital programme since the last revision at Quarter 2, expressed in terms of an average weekly rent. The calculation excludes the cost of borrowing which is funded from additional income or savings. As all planned HRA borrowing is funded from additional income in this way, the impact is zero. The Prudential Code calls this the Estimate of the incremental impact of capital investment decisions on housing rents.

## Appendix 10

### DEBT AND PRUDENTIAL INDICATORS:

#### GENERAL FUND

	15/16 Indicators £m	15/16 Forecast £m	16/17 Indicators £m	16/17 Forecast £m	17/18 Indicators £m	17/18 Forecast £m
<b>Capital Finance</b>						
1 Capital expenditure (including other long term liabilities)	415.3	423.1	140.7	263.2	265.0	148.4
2 Capital Financing Requirement (CFR)	3,550.2	3,504.5	3,539.5	3,533.0	3,505.9	3,460.8
<b>General Fund debt</b>						
3 Peak loan debt in year	2,417.8	2,294.8	2,369.7	2,331.8	2,453.9	2,416.2
4 + Other long term liabilities (peak in year)	513.8	514.3	492.6	492.9	470.4	470.5
5 = Peak General Fund debt in year	2,931.6	2,809.1	2,862.3	2,824.7	2,924.3	2,886.7
<b>General Fund Affordability</b>						
6 Total General Fund financing costs	264.7	250.7	279.4	265.8	292.0	279.0
7 General Fund net revenues	874.5	874.5	798.8	798.8	750.4	750.4
8 General Fund financing costs (% of net revenues)	30.3%	28.7%	35.0%	33.3%	38.9%	37.2%
9 Estimate of the incremental impact of new capital investment decisions on Council Tax.	£0.23	£0.02	£4.85	£0.47	£8.72	£0.47

Expressed in terms of Council Tax (Band D equiv)

(impact already included in Council Tax increases assumed in LTFP)

#### Note

- 4 Other long term liabilities include PFI, finance lease liabilities, and transferred debt liabilities
- 6 Financing costs include interest and MRP (in the General Fund), for loan debt, transferred debt, PFI and finance leases
- 8 This indicator includes the gross revenue cost of borrowing and other finance, including borrowing for the Enterprise Zone and other self-supported borrowing.
- 9 The cost of borrowing for the Capital Programme represents the interest and repayment implications arising from any changes in forecast prudential borrowing in the capital programme since Quarter 2, expressed in terms of Council Tax at Band D. The implications are cumulative in later years as successive years' borrowing is added. This impact has been funded within the Long Term Financial Plan and assumed Council Tax charges up to 2017/18. The calculation excludes the cost of borrowing which is funded from additional income or savings.



## Appendix 10

### PRUDENTIAL INDICATORS:

#### TREASURY MANAGEMENT

#### CIPFA Treasury Management Code

Has the authority adopted the TM Code?

15/16 Indicators	15/16 Forecast	16/17 Indicators	16/17 Forecast	17/18 Indicators	17/18 Forecast
---------------------	-------------------	---------------------	-------------------	---------------------	-------------------

Yes Yes Yes Yes Yes Yes

#### Interest rate exposures

upper limit on fixed rate exposures

upper limit on variable rate exposures (1)

Limit	Forecast	Limit	Forecast	Limit	Forecast
130%	94%	130%	89%	130%	86%
30%	21%	30%	18%	30%	20%

#### Maturity structure of borrowing

(lower limit and upper limit)

under 12 months (2)

12 months to within 24 months

24 months to within 5 years

5 years to within 10 years

10 years to within 20 years

20 years to within 40 years

40 years and above

0% to 30%	16%	0% to 30%	20%	0% to 30%	18%
0% to 30%	3%	0% to 30%	4%	0% to 30%	1%
0% to 30%	7%	0% to 30%	3%	0% to 30%	3%
0% to 30%	8%	0% to 30%	14%	0% to 30%	14%
5% to 40%	14%	5% to 40%	10%	5% to 40%	16%
10% to 60%	37%	10% to 60%	35%	10% to 60%	38%
0% to 40%	15%	0% to 40%	12%	0% to 40%	10%

#### Investments longer than 364 days

upper limit on amounts maturing in:

1-2 years

2-3 years

3-5 years

later

Limit	Forecast	Limit	Forecast	Limit	Forecast
200	-	200	-	200	-
100	-	100	-	100	-
100	-	100	-	100	-
-	-	-	-	-	-

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>DEPUTY CHIEF EXECUTIVE</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> November 2015</b>
<b>SUBJECT:</b>	<b>BIRMINGHAM CYCLE REVOLUTION PHASE 2 &amp; 3: CANAL WORKS – FULL BUSINESS CASE</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000499/2015</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Members:</b>	Councillor Tahir Ali – Development, Transport & the Economy Councillor Stewart Stacey – Commissioning, Contracting and Improvement
<b>Relevant O&amp;S Chairmen:</b>	Councillor Victoria Quinn – Economy, Skills & Sustainability Councillor Waseen Zaffar – Corporate Resources
<b>Wards affected:</b>	Perry Barr, Tyburn, Sutton New Hall, Soho, Ladywood, Kings Norton, Brandwood, Billesley

<b>1. Purpose of report:</b>
1.1 To seek approval to the Full Business Case (FBC) for the third tranche of Birmingham Cycle Revolution (BCR) canal work schemes, for delivery in 2016, as outlined in Appendix A, at a total capital cost of £3.000m.
1.2 To authorise the making of grant awards to the Canal & River Trust (CRT) for them to deliver the works on behalf of the City Council.

<b>2. Decision(s) recommended:</b>
That Cabinet:
2.1 Approves the Full Business Case for the third tranche of Birmingham Cycle Revolution (BCR) Canal Works schemes, as shown in Appendix A, at an estimated total capital cost of £3.000m, funded by £1.950m from the BCR Phase 2 programme and – subject to Department for Transport (DfT) confirmation of on-going funding for BCR Phase 3 – by £1.050m from the Phase 3 programme.
2.2 Notes that the work funded through BCR Phase 3 will not be committed until DfT confirm on-going funding for that programme in 2016/17.
2.3 Approves the acceptance of £1.950m of grant funding through the Greater Birmingham & Solihull Local Enterprise Partnership Local Growth Fund (GBSLEP-LGF).
2.4 Authorises the Deputy Chief Executive to agree the conditions of grant aid with the Canal & River Trust, in accordance with the Third Sector Grant Funding Framework and Toolkit 2011.
2.5 Authorises the Deputy Chief Executive, subject to the implementation of a grant agreement, to make grants of up to £3.000m for works costs to the Canal & River Trust, in accordance with the Third Sector Grant Funding Framework and Toolkit 2011.
2.6 Authorises the Director of Legal and Democratic Services to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

<b>Lead Contact Officer(s):</b>	Anne Shaw – Acting Assistant Director of Transport & Connectivity
<b>Telephone No:</b>	0121 303 7493
<b>E-mail address:</b>	anne.shaw@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

- 3.1.1 The Cabinet Member for Sustainability has been consulted on the contents of this report. She is supportive of the Canal Works programme but asked that steps are taken to ensure that the towpaths are swept clear of loose material as soon as possible after the 'spray and chip' surfacing has been laid. This requirement will be included in the construction contracts for the works.
- 3.1.2 Ward Councillors, District Chairs, District Lead Officers and District Engineers within the areas covered by these schemes have been consulted by e-mail on the proposals, including one reminder e-mail sent to Councillors at the consultation closing date. Councillors Rice and Hartley (Ladywood), Leddy (Brandwood) and Barrie (Sutton New Hall) have provided positive responses, although Councillor Barrie also passed on residents' concerns over excessive cycle speeds and cyclists not giving way to pedestrians (see also Appendix A). The District Engineer for Perry Barr has expressed support for the improvements on the Tame Valley Canal.
- 3.1.3 Officers from City Finance and Legal & Democratic Services have been involved in the preparation of this report.

#### **3.2 External**

- 3.2.1 The canal works comprise works to the towpaths and some of the accesses on the canal network, which is owned and managed by the Canal and River Trust (CRT), formerly British Waterways. They have been involved throughout the development of the BCR programme and will deliver the works through their framework contractor under an agreement with the City Council. CRT consulted with canal users through one of their regular forums, a detailed response has been received from the local branch of Inland Waterways Association as outlined in Appendix A. The IWA are supportive of the improvements but asked for a number of specific issues to be taken into account in the design, as outlined in Appendix A.
- 3.2.2 Sandwell MBC and Solihull MBC have been informed of the proposals at the city boundary, and officers from both authorities have indicated support and it is understood that the two organisations are now seeking funding to extend the canal improvement works into their own areas.
- 3.2.3 Other organisations, including Cycling and Walking groups, have been consulted on the proposals and will continue to be consulted through the design and delivery process. Responses are outlined in Appendix A. Particular concerns have been expressed over the surfacing material and the need to ensure that the paths are swept properly. The construction contracts will include a requirement to sweep paths upon completion of the works and again after about one month once the material has had time to bed in.
- 3.2.4 The Access Committee for Birmingham, RNIB and Guide Dogs have been informed of the proposals. No responses or adverse comments have been received. In previous consultations, the Access Committee have asked for signing to indicate locations of canal accesses suitable for wheelchair users and this will be taken into account in the design of these schemes.
- 3.2.5 Local stakeholders and residents groups have been consulted through BeHeard. Thirteen responses were received from individuals. Ten fully supported the proposals, two partially supported them, and one did not support. Details are given in Appendix A.
- 3.2.6 As part of the grant agreement between CRT and the City Council it will be CRT's responsibility to inform canal and towpath users of the works as they progress, particularly where temporary closures are required.

#### **4. Compliance Issues:**

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

- 4.1.1 The Birmingham Cycle Revolution (BCR) programme seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute to reducing car usage, improving health and the environment, and improving connectivity for households without a car. The target is for a 27% increase in cycling in the original BCR area within a 20-minute cycling time of the city centre by 2016, compared with 2013, and for cycling to make up 5% of all journeys by 2023 compared with less than 2% at present. Many of the proposals will also benefit pedestrians, public transport and road safety.
- 4.1.2 The proposals will support the City Council's policy objectives outlined in the Council Business Plan 2015+, the Leader's Policy Statement, and 'Birmingham 2026 – Our Vision for the Future' in particular for '*a prosperous city*' and '*a fair city*'. The measures support the recommendations of the Transport, Connectivity & Sustainability Overview and Scrutiny Committee (TCS O&S) report 'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham' from April 2013. They will also support the aspirations of the Birmingham Development Plan (BDP), Birmingham Connected, and the Health & Wellbeing Strategy.
- 4.1.3 The project supports the targets set out in the West Midlands Local Transport Plan 2011-26 (LTP3) in terms of economic regeneration, increasing the mobility of labour markets, reducing greenhouse gas emissions, and encouraging sustainable travel options.

##### **4.2 Financial Implications**

- 4.2.1 The BCR Phase 2 programme is £8.000m in total, funded by £6.000m from the Greater Birmingham & Solihull Local Enterprise Partnership's Local Growth Fund (GBSLEP-LGF) supported by £2.000m of local contributions from the City Council's ITB allocation and other local sources. The programme received Project Definition Document (PDD) approval at Cabinet in March 2015, as part of the approval to the overall Local Growth Fund. The LGF funding was confirmed by the GBSLEP Growth Team on 2nd September 2015 and a letter of confirmation was received on 23<sup>rd</sup> October 2015.
- 4.2.2 The BCR Phase 3 programme is £30.000m in total, funded by £22.100m from the DfT's second tranche of Cycle City Ambition Grant funding and £7.900m from local public-sector sources as a local contribution. The programme received PDD approval at Cabinet in March 2015. DfT confirmed funding of £22.100m in principle by letter on 23<sup>rd</sup> March 2015 and the City Council's Section 151 Officer confirmed acceptance of the first instalment of £1.000m and its associated conditions on 23<sup>rd</sup> April 2015. Grant for 2016/17 and beyond is subject to formal confirmation by DfT, expected after the Autumn Spending Review in November 2015.
- 4.2.3 This approval covers proposed canal works which are estimated to cost £3.000m and can be delivered by the 31<sup>st</sup> December 2016. The work will be funded predominantly through the BCR Phase 2 programme, funded by the GBSLEP-LGF capital grant, which has an allocation of £1.950m for canal works. The remainder will be funded through BCR Phase 3, from the second tranche of the DfT's CCAG funding. The elements of the project to be funded through BCR Phase 3 would not be committed unless and until funding for 2016/17 is confirmed by DfT.

- 4.2.4 The proposed works will be implemented by Canal & River Trust under a new Third-Sector 'Conditions of Grant Aid' (COGA) agreement, using their framework contractor arrangements. This is the same mechanism used successfully to deliver the Phase 1 programme. The COGA agreement will be in place prior to any agreement to commence work or to make any grant payments, and will include a caveat that works funded by the DfT through the BCR Phase 3 programme must not be committed until that funding is confirmed. In addition, the City Council will be required to agree to the commencement of each element of work, to ensure that expenditure is not committed before funding has been confirmed.
- 4.2.5 Maintenance of existing or improved assets on the canal network will become the responsibility of CRT and will not be a liability for the City Council, and this will form part of the Conditions of Grant Aid agreement.
- 4.2.6 CRT will also fund their own staff time for the design and delivery of the Canal Works as their own local contribution to the project, at an estimated cost of £0.100m. This will not come through the City Council's ledger and is not included within the approval sought through this FBC.
- 4.2.7 Risk management assessments were carried out for the initial Canal Works FBC in December 2013. These have been reviewed and updated and are included in Appendix C.
- 4.3 Legal Implications
- 4.3.1 CRT has powers and duties under the Transport Acts 1962 and 1968 to maintain the canal network and ensure public access to the towpaths. Most improvement works on their land is classed as permitted development and does not require planning consent. Where proposals affect other land then CRT would be responsible for planning applications where required.
- 4.3.2 Towpath improvements do not require Conservation Area consents but if any other measures affect conservation areas or listed buildings then CRT would be responsible for obtaining the necessary approvals from the City Council.
- 4.3.3 Partnership working with CRT will be governed through a new Conditions of Grant Aid (COGA) similar to that used for BCR Phase 1, under the Third Sector Grant Funding Framework and Toolkit 2011. The grant conditions to CRT will require their contractors to adopt the 'Birmingham Business Charter for Social Responsibility' (see Section 5.4).
- 4.3.4 Other legislation is also relevant to the introduction of cycling facilities including: Health & Social Care Act 2012; Crime & Disorder Act 2006; and Equality Act 2010. Construction works will be designed and implemented in accordance with the Construction Design and Management Regulation 2015.
- 4.4 Public Sector Equality Duty
- 4.4.1 An initial Equality Analysis was carried out for BCR Phase 1 prior to approval of the PDD and submission of the bid in April 2013. A more detailed analysis was produced for the Canal Works elements as part of the first FBC approval in December 2013 (ref EA000033), and this has now been updated for the Phase 2 and 3 Canal Works programmes (ref EA000859) as included in Appendices B of this FBC. The analysis concluded that there will be no adverse impact on any of the protected groups.

## **5. Relevant background/chronology of key events:**

### **5.1 BCR Programme and Funding**

5.1.1 The first phase of the Birmingham Cycle Revolution (BCR) programme began in 2013 funded by £17.0m of capital funding under the first tranche of the DfT's Cycle City Ambition Grant (CCAG) supported by local contributions from the City Council's ITB allocation and other local sources. This programme concentrated on an area within about a 20-minute cycling time of the city centre, and included schemes on Main Corridors, quieter Parallel Routes, Canal Works, Green Routes, 20mph Areas, and Supporting Measures including Cycle Parking, Private Cycle Parking Grants (Top Cycle Location), Big Birmingham Bikes, and Cycle Hire through Brompton Docks. The programme was approved through a PDD to Cabinet on 22<sup>nd</sup> April 2013.

5.1.2 The second phase of BCR has funding of £6.0m for financial years 2015-19 through the Greater Birmingham and Solihull Local Enterprise Partnership's Local Growth Fund (GBSLEP-LGF) supported by a further £2.0m of local contribution. This money will be used to continue the Phase 1 works, including further Corridor, Green, Canal and 20mph schemes and on-going support for the Big Birmingham Bikes and Top Cycle Location initiatives. The programme received Project Definition Document (PDD) approval at Cabinet in March 2015, as part of the approval to the overall Local Growth Fund. The LGF funding was confirmed by the GBSLEP Growth Team on 2nd September 2015 and a letter of confirmation was received on 23<sup>rd</sup> October 2015.

5.1.3 The government announced a second tranche of CCAG funding in late 2014 for the eight cities who received funding in the first tranche. Birmingham was invited to bid for £22.1m of further funding for financial years 2015-18 and a bid was submitted by the deadline of 30<sup>th</sup> January 2015. This will be supported by a further £7.9m of local public-sector contributions to take the total Phase 3 programme to £30.0m, to create funding of £10 per head of population (up to the 1.0 million cap specified by DfT) per year for the next three years, which was a DfT requirement for the bid. The programme received PDD approval at Cabinet in March 2015. DfT confirmed the funding in principle by letter on 23<sup>rd</sup> March 2015 and the City Council's Section 151 Officer confirmed acceptance of the first instalment of £1.000m and its associated conditions on 23<sup>rd</sup> April 2015. The DfT have now made an initial grant payment of £1.000m for expenditure in 2015/16. Confirmation of grant for 2016/17 and beyond is still subject to confirmation by DfT after the Autumn Spending Review in November 2015.

### **5.2 Canal Works Programme (this approval)**

5.2.1 An FBC for BCR Phase 1 Canal Works was approved by Cabinet in December 2013, and a second tranche of Phase 1 Canal Works was then approved by Cabinet in May 2015. These approvals were funded through the first tranche of Department for Transport (DfT) Cycle City Ambition Grant (CCAG) capital funding. The works have been successfully delivered through CRT and their appointed contractors, and are now close to completion.

5.2.2 This new approval covers a further £3.000m of towpath improvement works, signing and wayfinding, and minor (non-structural) access improvements, which can be delivered in 2016. The works cover sections of five canals, as outlined in Appendix A and on the plans in Appendix E. The improvements will be funded predominantly through the GBSLEP-LGF funding for the BCR Phase 2 programme, which has an allocation of £1.950m for canal works. The remainder will be funded through BCR Phase 3, from the second tranche of the DfT's CCAG funding, subject to that funding being confirmed by DfT. This will complete the full programme of towpath improvements across the city.

5.2.3 The towpaths will be resurfaced using a sealed bitumen-bonded gravel surface ('spray-and-chip'), the same as that used for the initial canal and green route schemes in 2014. It is expected that the works will be carried out during 2016. The contracts will include a second sweeping of the paths after they have been opened to the public, to remove accumulated excess gravel in order to provide a smoother ride for cyclists.

### 5.3 Other Information

5.3.1 There are further off-road proposals in BCR Phases 2 and 3 but these require either structural design work, more extensive consultations, or liaison with other landowners. It is expected that these will be delivered in 2017-18 and further FBC reports will be produced for these in due course. These further works are expected to include access improvements over the same sections of canal as the towpath works covered by this report. The current proposals do not include for lighting of any canal routes as historically these have not been lit. However, Phase 3 of the BCR programme includes the possibility of a trial lighting scheme for off-road routes in a location to be determined, although permanent lighting of canals and green routes will still be dependent on funding being found and agreements reached for on-going maintenance liabilities.

5.3.2 Other elements of the BCR Phase 2 and 3 programmes, including highway works, green routes and supporting measures, will be subject to separate FBC approvals. These elements will include a programme of on-highway 'Local Link' schemes to improve connections between the canal access points and the main on-street cycle route network.

5.3.3 The cycling infrastructure proposals will be supported by the City Council's on-going Smarter Choices activities including marketing, education, training, publicity, and travel-planning initiatives to encourage people to make sustainable travel choices. These initiatives are funded on an on-going basis through the City Council's revenue budgets.

5.3.4 A Project Board has been created to provide support and guidance on the BCR programme. This consists of Cabinet Members and Senior Officers of the City Council. These Project Governance arrangements were detailed in the FBC for the BCR Phase 1 Canal Works which was approved by Cabinet on 16<sup>th</sup> December 2013, and will continue for BCR Phases 2 and 3. The Project Board meets monthly and its responsibilities include reviewing and guiding the design development process and approving final scheme details, extents and programmes. Should further formal approvals be required then these will still be sought through the Corporate Gateway Process.

### 5.4 Procurement

5.4.1 As the CRT are the owner of the canal network, the initial towpath works in 2014 were procured through a direct award of a grant under the Third Sector Grant Funding Framework and Toolkit 2011, for CRT to manage, design and deliver the measures on behalf of the City Council through their existing specialist term consultant and term contractor arrangements for canal works. It is proposed that this next phase of works is procured in the same way, and that a new Conditions of Grant Aid agreement is agreed between both parties to cover the additional works.

5.4.2 CRT will utilise their new National Engineering and Construction Contract 2015-21 to procure proposed canal towpath works. CRT's contract is with Kier Construction Limited who have significant experience of implementing works of this nature having been the holder of CRT's previous Construction Framework Contract. CRT has confirmed that they have established the new Framework in accordance with the Public Contracts Regulations 2006 and that it has been subject to competitive tender procedures including OJEU notices. Individual projects are implemented by the issue of Package and Time Charge Orders, and Key Performance Indicators are used, where the supplier's element of the KPIs is linked to 50% of its gain share under the contract.

5.4.3 The business unit within Kier which will carry out the works is already accredited under the Birmingham Business Charter for Social Responsibility as part of their works delivered under BCR Phase 1, and they will be required to submit a revised Action Plan with additional actions proportionate to the value of the additional grant for this new phase of works. This will be a condition of the COGA agreement for these works.

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

- 6.1 Alternative options could include 'Do Nothing', but this could lead to the loss of the LEP and DfT funding which has been secured, a failure to improve the canal network for cyclists, and reputational damage to the City Council.
- 6.2 The City Council could employ their own contractors to carry out the canal works, with the agreement of CRT, rather than providing a grant. However, the canal environment requires specialist knowledge and experience which the City Council's contractors may not have, and there could be resourcing issues if the City Council's contractors were asked to implement significant works on the canal, green and highway networks at the same time. Using CRT's contractor will also allow CRT to properly approve completion of the works on their network and to have a direct right to claim against their contractor should any defects arise following completion of the works.
- 6.3 More of the funding could be allocated to improving the City Council's on-street cycle network rather than funding improvements to off-road routes. However, stakeholders have been supportive of improvements to the canal towpaths, and they provide the opportunity for a 'quick win' in terms of encouraging cycling.
- 6.4 Alternative surfacing materials were considered at the beginning of the BCR programme but bitumen-bonded gravel (spray-and-chip) on a sealed bitumen base course was selected as giving the best balance between a surface suitable for all-weather cycling, installation cost, future maintenance, and a suitable appearance for natural 'green' areas. This material was acceptable to both CRT and BCC's Parks Managers and so allows consistent use of materials across all of the BCR off-road routes.

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

- 7.1 The approval of the BCR schemes on the canal network will allow a new COGA agreement to be negotiated between the City Council and the Canal and River Trust to allow for the delivery of these works.

**Signatures**

**Date**

Councillor Tahir Ali –

Cabinet Member for Development,  
Transport & the Economy

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.....

Councillor Stewart Stacey –

Cabinet Member for Commissioning,  
Contracting and Improvement

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Paul Dransfield –

Deputy Chief Executive

.....

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**List of Background Documents used to compile this Report:**

'Cycle City Ambition Grant – Bid Submission (Project Definition Document)', Report to Cabinet, 22<sup>nd</sup> April 2013.

Funding Bid to DfT, December 2011 – 'Birmingham Cycle Revolution'.

'Transportation and Highways Capital Programme 2014/15 to 2016/17 – Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 17<sup>th</sup> November 2014

'Local Growth Fund Transport and Connectivity Projects: Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 16<sup>th</sup> March 2015.

'Birmingham Cycle Revolution Phase 3: Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 16<sup>th</sup> March 2015.

'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham', Transport, Connectivity & Sustainability O&S Committee Report to City Council, April 2013.

'Birmingham Cycle Revolution (Cycle City Ambition Grant): Canal Works – Full Business Case', Report to Cabinet, 16<sup>th</sup> December 2013.

'Birmingham Cycle Revolution Phase 1: Canal Towpath and Green Routes – Full Business Case', Report to Cabinet, 18<sup>th</sup> May 2015.

**List of Appendices accompanying this Report:**

Appendix A – BCR Phase 2 & 3 Canal Works: Full Business Case

Appendix B – BCR Phase 2 & 3 Canal Works: Equality Analysis Ref EA000859

Appendix C – BCR Phase 2 & 3 Canal Works: Risk Management Assessment

Appendix D – BCR Phase 2 & 3 Canal Works: Implementation Programme

Appendix E – BCR Phase 2 & 3 Canal Works: Location Plans

## **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"><li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;</li><li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li><li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li></ul>
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"><li>(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;</li><li>(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;</li><li>(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.</li></ul>
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"><li>(a) tackle prejudice, and</li><li>(b) promote understanding.</li></ul>
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"><li>(a) age</li><li>(b) disability</li><li>(c) gender reassignment</li><li>(d) pregnancy and maternity</li><li>(e) race</li><li>(f) religion or belief</li><li>(g) sex</li><li>(h) sexual orientation</li></ul>

Full Business Case (FBC)			
1. General Information			
<b>Directorate</b>	Economy	<b>Portfolio/ Committee</b>	Development, Transport & the Economy Commissioning, Contracting & Improvement
<b>Project Title</b>	Birmingham Cycle Revolution Phases 2 & 3: Canal Works	<b>Project Code</b>	CA-02714 (2LG) CA-02752 (3R3)
<b>Project Description</b>	<p><u>Introduction</u></p> <p>This document represents the Full Business Case (FBC) for the third tranche of canal works under the Birmingham Cycle Revolution (BCR) programme, for delivery in 2016. It covers five canal routes within the Perry Barr, Tyburn, Sutton New Hall, Soho, Ladywood, Kings Norton, Brandwood and Billesley Wards. Extents of each route are shown on the plans in Appendix E.</p> <p>An FBC for BCR Phase 1 Canal Works was approved by Cabinet in December 2013, and a second tranche of Phase 1 Canal Works was then approved by Cabinet in May 2015. These approvals were funded through the first tranche of Department for Transport (DfT) Cycle City Ambition Grant (CCAG) capital funding, and the works are now largely complete.</p> <p>This new approval covers a further £3.000m of towpath improvement works, signing and wayfinding, and minor (non-structural) access improvements which can be delivered in 2016. This will complete the full programme of towpath improvements across the city. The work will be funded predominantly through the BCR Phase 2 programme, funded by the Greater Birmingham and Solihull Local Enterprise Partnership's Local Growth Fund (GBSLEP-LGF) capital grant, which has an allocation of £1.950m for canal works. The remainder will be funded through BCR Phase 3 in 2016/17, from the second tranche of the DfT's CCAG funding. Project Definition Documents were approved at Cabinet in March 2015 for both BCR Phase 2 (as part of the GBSLEP-LGF programme) and BCR Phase 3.</p> <p>The proposed works will be implemented by Canal &amp; River Trust under a new Third-Sector 'Conditions of Grant Aid' (COGA) agreement, using their framework contractor (Kier). This is the same mechanism used successfully to deliver the Phase 1 programme. The business unit within Kier which will carry out the works is already accredited under the Birmingham Business Charter for Social Responsibility, and a new Action Plan will be produced for agreement with the City Council before work commences.</p> <p>BCR Phase 3 also includes further funding for more significant localised schemes on the canal network, including new or improved accesses and towpath widening at key locations. Initial feasibility work on these is now underway, and further FBCs will be brought forward for approval in 2016.</p> <p>Other elements of the BCR Phase 2 and 3 programmes, including highway works, green routes and supporting measures, will be subject to separate FBC approvals. These elements will include a programme of on-highway 'Local Link' schemes to improve connections between the canal access points and the main on-street cycle route network.</p>		

### Proposed Measures

The towpaths will be resurfaced using the same materials as the in Phase 1, ie an all-weather sealed bitumen-based material with a 'spray and chip' gravel dressing on top. The extents are shown below, and on the plans in Appendix E:

- Tame Valley Canal (Perry Barr Ward):  
To extend the towpath improvement works carried out under Phase 1, from Walsall Road to the city boundary at Old Walsall Road. Approx length 1.1km, estimated cost £0.250m.
- Birmingham & Fazeley Canal (Tyburn and Sutton New Hall Wards):  
To extend the Phase 1 works from Hansons Bridge Road to Cottage Lane and Wiggins Hill Road. There will also be minor improvements to accesses at Hansons Bridge Road (new balustrade), Forge Lane, the path linking to Old Kingsbury Road, and Wiggins Hill Road. Approx length 2.8km, estimated cost £0.600m.
- Birmingham Main Line Canal 'Soho Loop' (Soho and Ladywood Wards):  
To extend the works carried out on the Main Line Canal in Phase 1, around the 'Soho Loop' (Birmingham Old Main Line) Canal. This will include minor improvements to the existing canal accesses at Asylum Bridge (near Birmingham Prison) and Western Road. Approx length 2.0km, estimated cost £0.450m.
- Worcester & Birmingham Canal (Kings Norton Ward):  
An extension to the route completed in Phase 1, to take the towpath works from Kings Norton Junction (where it meets the Rea Valley Route and Stratford Canal) to the Wast Hill Tunnel near the Hawkesley Estate. Where the towpath ends at the tunnel entrance, the work will also include refurbishment of the ramp back up to road level. Approx length 2.1km, estimated cost £0.450m.
- Stratford-upon-Avon Canal (Kings Norton, Billesley & Brandwood Wards):  
New sealed towpath surface on the whole of this canal within the Birmingham boundary, from Kings Norton Junction to the city boundary. Approx length 5.3km, estimated cost £1.175m.  
  
The work on the Stratford Canal will also include minor improvements to the accesses at Kings Norton Junction, either end of Brandwood Tunnel (where there is no towpath and pedestrians and cyclists have to return to road level for a short distance), Warstock Lane, and Yardley Wood Road.

The schemes also include improved signing and wayfinding over the above lengths of towpath at a total estimated cost of £0.075m.

The work will include removal of redundant motorcycle barriers where possible, and where these are to be retained provision will be made to allow these to be locked in an open position unless problems occur.

### Funding Implications

The total capital cost is estimated to be £3.000m. BCR Phase 2 includes an allocation of £1.950m for canal works, funded through the GBSLEP's Local Growth Fund capital grant. The remainder of the cost will be funded through BCR Phase 3, from the second tranche of DfT's CCAG capital funding. The DfT have agreed the BCR Phase 3 funding in principle but confirmation of grant for 2016/17 and beyond is still subject to confirmation after the Autumn Spending Review in November 2015. The elements of the project to be funded through BCR Phase 3 would not be committed unless and until funding for 2016/17 is confirmed by DfT.

Canal & River Trust will fund the Development, Design and Contract Administration from their own resources, at an estimated £0.100m. These costs will not come through the City Council's ledger, and do not form part of the current approval.

### Revenue Implications

Maintenance of existing or improved assets on the canal network will become the responsibility of CRT and will not be a liability for the City Council, and this will form part of the Conditions of Grant Aid agreement with CRT.

### Consultation Details

#### *Internal and Other Main Stakeholders*

The Cabinet Member for Sustainability has been consulted on the contents of this report. She is supportive of the Canal Works programme but asked that steps are taken to ensure that the towpaths are swept clear of loose material as soon as possible after the 'spray and chip' surfacing has been laid. The construction contracts will include a requirement to sweep paths upon completion of the works and again after about one month once the material has had time to bed in.

MPs, Ward Councillors, District Chairs, District Lead Officers, and District Engineers within the areas covered by these schemes have been consulted by e-mail on the proposals, including one reminder e-mail sent to Councillors at the consultation closing date. Officers of Sandwell MBC and Solihull MBC have also been informed of the proposals at the city boundary.

Councillors Kath Hartley and Carl Rice (Ladywood), and Mike Leddy (Brandwood) have expressed full support. Councillor David Barrie (Sutton New Hall) has expressed support but also passed on some concerns from local residents over excessive cycle speeds and cyclists not giving way to pedestrians, and the need to maintain access for disabled people. CRT will be carrying out a 'Share The Space Drop Your Pace' campaign around Birmingham to encourage responsible use by all towpath users.

The District Engineer for Perry Barr has expressed support for the improvements on the Tame Valley Canal.

Officers from both Sandwell MBC and Solihull MBC have indicated support and it is understood that both authorities are now seeking funding to extend the canal improvement works into their own areas.

#### *Disability Groups, Residents Groups, Canal Users, and Other Organisations*

The Access Committee for Birmingham, RNIB and Guide Dogs have been informed of the proposals. No responses or adverse comments have been received. In previous consultations, the Access Committee have asked for signing to indicate locations of canal accesses suitable for wheelchair users and this will be taken into account in the design of these schemes.

The Birmingham, Black Country and Worcestershire branch of the Inland Waterways Association (IWA) were consulted through CRT and have provided a detailed response, recognising the benefits of the improvements but also making a number of requests and recommendations, as outlined below with the City Council's responses:

- *There should be no loss of canal width.* There are no proposals to narrow the canal as a result of these works, although other parts of the BCR programme do include localised towpath narrowing at a few locations, which the IWA are being specifically consulted on.
- *There should be no loss of mooring facilities.* There are no proposals to reduce availability of moorings. If informal mooring is made more difficult (for example by replacing soft towpath edging with a solid path) then mooring bollards or rings will be provided where CRT think appropriate.
- *Cycling on the towpath should remain as a 'permissive' right and be expected to give way to walkers, anglers and boat users. Cycling time trials and racing should not be permitted on the towpaths.* CRT will be carrying out a 'Share The Space Drop Your Pace' campaign around Birmingham to encourage responsible use by all towpath users.

- *The removal of any 'green' space should be avoided.* Grass edgings to towpaths will be retained wherever space allows, and green areas behind the towpaths will be maintained. If any green areas are affected then opportunities will be sought to mitigate this through improvements to existing planted areas.

#### *Cycling and Walking Groups*

Cycling and Walking groups, including Pushbikes, Sustrans, CTC and Living Streets, have been consulted on the proposals through the monthly BCR Cycle Stakeholder Meetings, and they will continue to be consulted through the design and delivery process. The main issues raised are outlined below with City Council responses:

- *They remain concerned over the quality of the spray-and-chip surfacing and loose chippings if paths are not swept properly.* Alternative surfacing materials were been considered at the start of the BCR programme but bitumen-bonded gravel (spray-and-chip) on a sealed bitumen base course was selected as giving the best balance between a surface suitable for all-weather cycling, installation cost, future maintenance, and a suitable appearance for 'green' areas. This material was acceptable to both CRT and BCC's Parks Managers and so allows consistent use of materials across all BCR off-road routes. The construction contracts will include a requirement to sweep paths upon completion of the works and again after about one month once the material has had time to bed in.
- *As the spray-and-chip surfacing has a rough texture it can be harder to cycle on.* The rough texture increases surface noise and reduces cycle speeds slightly, reducing the risk of conflicts between cyclists and pedestrians on leisure routes.
- *They asked that we ensure that barriers do not impede tricycles, cargo bikes and other non-standard types.* Access barrier types and locations will be reviewed as part of the work, and motorcycle barriers will be locked open unless problems with anti-social behaviour actually occur.
- *They also asked for appropriate signing of all the new routes to encourage their use.* This will be considered as part of the current work and later phases of BCR.

#### *Local Stakeholders and Others (via Be Heard)*

Thirteen responses were received from individuals through BeHeard, some of whom commented on more than one of the routes. Ten fully supported the proposals, two partially supported them, and one did not support.

Several respondents expressed concern over the proposed gravel surfacing and particularly the need to ensure that this was fully swept to avoid creating difficult conditions for cyclists. The construction contracts will include a requirement to sweep paths upon completion of the works and again after about one month once the material has had time to bed in.

One person felt that towpaths should be for pedestrians, and that cyclists should be required to use the roads.

Some people asked that consideration be given to extending the improvements into neighbouring areas including Solihull, Sandwell and Curdworth, as many Birmingham residents commute to those areas and / or their residents commute to Birmingham. This would be outside the scope of BCR as it is outside of the Birmingham boundary, but CRT are seeking funding opportunities with neighbouring authorities to allow the improvements to be continued into their areas.

Some respondents also asked that signing be provided, particularly where there are sections without a towpath to maintain continuity, or to provide links to other off-road routes or main residential areas. This will be included in the scheme designs, and on-road links will be provided in some locations as part of the separate on-highway elements of the BCR programme.



	<p><u>Equalities Analysis</u></p> <p>An initial Equality Analysis was carried out for BCR Phase 1 prior to approval of the PDD and submission of the bid in April 2013. A more detailed analysis was produced for the Canal Works elements as part of the first FBC approval in December 2013 (ref EA000033), and this has now been updated for the Phase 2 and 3 Canal Works programmes (ref EA000859) as included in Appendices B of this FBC. The analysis concluded that there will be no adverse impact on any of the protected groups.</p>
<p><b>Links to Corporate and Service Outcomes</b></p>	<p><u>DfT Objectives</u></p> <p>The Birmingham Cycle Revolution programme seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute towards improving health and the environment, reducing car usage, and improving connectivity for households without a car. Many of the measures will also benefit pedestrians, public transport users and road safety.</p> <p>The original BCR Phase 1 bid to DfT included targets to increase cycling by 27% in the initial bid area (within a 20-minute cycling time of the city centre) by 2016. This represents an increase of approximately 2,000 cyclists per day as a contribution towards achieving targets of 5% of all journeys being made by cycle by 2023 and 10% of all journeys by 2033, compared with less than 2% in 2013.</p> <p><u>City Council Objectives</u></p> <p>The proposals will support the City Council's policy objectives outlined in the Council Business Plan 2015+, the Leader's Policy Statement, and 'Birmingham 2026 – Our Vision for the Future', in particular:</p> <p><u>A Prosperous City:</u> <i>'High levels of investment in transport and other infrastructure, including cycling and walking'.</i></p> <p><u>A Fair City:</u> <i>'Health and wellbeing ... and life expectancy are at national levels for all'.</i></p> <p>The measures will support the aspirations of the Birmingham Development Plan (BDP), Birmingham Connected, and the Health &amp; Wellbeing Strategy.</p> <p>The measures also support the recommendations of the former Transport, Connectivity &amp; Sustainability Overview and Scrutiny Committee (TCS O&amp;S) report, 'Changing Gear, Transforming Urban Movement Through Walking &amp; Cycling in Birmingham' from April 2013.</p> <p>The proposals will also support priorities from the Birmingham Climate Change Action Plan 2010+ particularly <i>'reducing the environmental impact of the city's mobility needs through Low Carbon Transport'.</i></p> <p><u>Local Transport Plan Objectives</u></p> <p>The project will contribute to the following objectives in the Local Transport Plan 2011-26 (LTP3):</p> <ul style="list-style-type: none"> <li>• K01 <i>'To underpin private-sector led growth and economic regeneration in the West Midlands metropolitan area'</i> by increasing the mobility of labour markets and helping people access jobs by sustainable travel;</li> <li>• K02 <i>'Climate Change'</i> by reducing greenhouse gas emissions from the area's transport system and encouraging greater use of the most sustainable and low-carbon transport options;</li> <li>• K04 <i>'Equality of Opportunity'</i> by improving access to key services including education and training;</li> <li>• K05 <i>'Quality of Life &amp; Local Environment'</i> by enhancing the quality of streetscapes and the urban realm.</li> </ul>



Project Definition Document approved by	Cabinet (BCR Phase 1 programme)	Dates of Approval	22 <sup>nd</sup> April 2013
	Cabinet (BCR Phase 2 programme)		16 <sup>th</sup> March 2015
	Cabinet (BCR Phase 3 programme)		16 <sup>th</sup> March 2015
Benefits Quantification-Impact on Outcomes	Measure	Impact	
	Resurfacing of canal towpaths with sealed bituminous surface	Provides low-maintenance surface more suitable for cycling in all weather conditions, so increasing the attractiveness of the canals as a cycling environment, with associated reductions in car usage and improvements to health and the environment.	
	Wayfinding and Access Barrier improvements	Wayfinding improves legibility of the canal network for all users, including links to the city's wider on-road and off-road cycle network.  A review of access barriers will ensure that these are of an appropriate design and only installed where necessary, to maximise access to the canal network for cyclists (particularly those with non-standard bikes) and people with disabilities.	
	Improvements to existing accesses at locations identified on page two.	Improves existing accesses to make them more suitable for cyclists, for example through regrading, improved surfaces or the provision of wheeling ramps on existing steps.	
Project Deliverables	<ul style="list-style-type: none"><li>• Approximately 13.3km of improved surfacing to canal towpaths.</li><li>• Approximately eleven minor improvements to existing canal access points.</li><li>• Improved signing and wayfinding, and changes to access barriers.</li></ul>		
Scope	This FBC covers a third tranche of canal towpath and other improvements identified under Phase 2 and 3 of the BCR programme.		
Scope exclusions	Canal schemes delivered to date were covered by earlier FBCs in December 2013 and May 2015 under the BCR Phase 1 programme.  The remaining Canal Works in BCR Phase 3 require either structural design work, more extensive consultations, or liaison with other landowners. It is expected that these will be delivered in 2017-18 and further FBC reports will be produced for these in due course. These further works are expected to include access improvements over the same sections of canal as the proposed towpath works in this FBC. Other elements of the wider BCR programme will be covered by separate FBCs.		
Dependencies on other projects or activities	The DfT have agreed the overall BCR Phase 3 funding in principle but confirmation of grant for 2016/17 and beyond is subject to formal confirmation, which is expected after the Autumn Spending Review in November 2015. The elements of the project to be funded through BCR Phase 3 would not be committed unless and until funding for 2016/17 is confirmed by DfT.		

	<p>Delivery of works on the canal network is dependent on the City Council and Canal &amp; River Trust agreeing to a new Conditions of Grant Aid (COGA) agreement between the two parties.</p> <p>Delivery of the schemes will be dependent on CRT placing orders with their appointed contractor using the procurement route detailed in Section 5.4 of the Executive Report. CRT's contractor (Kier) will be required to submit and agree a new Action Plan under the Birmingham Business Charter for Social Responsibility.</p> <p>Planning consent is not usually required for works on CRT's land as it is categorised as permitted development. Towpath improvements do not require Conservation Area consents but if other measures affect conservation areas or listed buildings then CRT would be responsible for obtaining the necessary approvals from the City Council.</p> <p>CRT will be responsible for consultation, notices and closures affecting users of the canal network, and for co-ordination of the works around any other projects or events on their network.</p>
<b>Achievability</b>	<p>The proposals in this FBC extend the Phase 1 works already successfully carried out in 2014 and 2015 on the canal towpaths, and it is not anticipated that there will be any significant obstacles to delivery.</p> <p>The 'spray and chip' surfacing material is weather-dependent and can only be laid in the period from April to October, but this is allowed for in the programming of the schemes.</p> <p>Measures which will require more design or consultation work will be part of later FBCs once those issues have been addressed.</p> <p>Risks to achievability are highlighted in Appendix C – Risk Management.</p>
<b>Prog Manager</b> (B'ham Cycle Revolution)	<p>Andy Middleton</p> <p>Tel: 0121 675 6681 E-mail: <a href="mailto:andy.Middleton@birmingham.gov.uk">andy.Middleton@birmingham.gov.uk</a></p>
<b>Project Manager</b>	<p>Andy Chidgey</p> <p>Tel: 0121 675 6519 E-mail: <a href="mailto:andy.chidgey@birmingham.gov.uk">andy.chidgey@birmingham.gov.uk</a></p>
<b>Budget Holder</b>	<p>Varinder Raulia – Head of Infrastructure Projects</p> <p>Tel: 0121 303 7363 E-mail: <a href="mailto:varinder.raulia@birmingham.gov.uk">varinder.raulia@birmingham.gov.uk</a></p>
<b>Sponsor</b>	<p>Anne Shaw – Acting Assistant Director of Transport &amp; Connectivity</p> <p>Tel: 0121 303 7493 E-mail: <a href="mailto:anne.shaw@birmingham.gov.uk">anne.shaw@birmingham.gov.uk</a></p>
<b>Project Accountant</b>	<p>Michele Garrison – Finance Manager (Economy)</p> <p>Tel: 0121 303 3684 E-mail: <a href="mailto:Michele.garrison@birmingham.gov.uk">Michele.garrison@birmingham.gov.uk</a></p>
<b>Project Board Members</b>	<p>The Project Management Team for the works in this FBC is as follows:</p> <p>Senior Responsible Officer – John Blakemore</p> <p>Project Sponsor – Anne Shaw</p> <p>BCR Programme Manager – Andy Middleton</p> <p>Project Leader, Transportation Policy – Mel Jones</p> <p>Project Accountant – Michele Garrison</p> <p>City Cycling Officer – Graham Lennard</p> <p>Principal Studies Officer – Andrew Chidgey</p> <p>Canal and River Trust Officer – John Harris</p>

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**APPENDIX A**

<b>Head of City Finance (HoCF)</b>	Alison Jarrett (Head of City Finance)	<b>Date of HoCF Approval:</b>	28/10/15
<b>Planned start date for delivery of the project</b>	January 2016	<b>Planned date of technical completion</b>	Autumn 2016

2. Budget Summary (BCR Phases 2 & 3 Canal Works)						
		2015/16	2016/17	2017/18	2018/19	Totals
<b>Capital Costs</b>		£000s	£000s	£000s	£000s	£000s
<b><u>Canal Towpaths</u></b>						
<u>Development Costs to FBC:</u> <sup>(1)</sup>		<u>0.0</u>	<u>0.0</u>	<u>0.0</u>		<u>0.0</u>
<u>Implementation Costs:</u>						
Contract Administration Fees <sup>(1)</sup>		0.0	0.0	0.0		0.0
Works		440.0	2,290.0	0.0		2,730.0
Contingency		0.0	270.0	0.0		270.0
<u>Implementation Costs Sub-Total</u>		<u>440.0</u>	<u>2,560.0</u>	<u>0.0</u>		<u>3,000.0</u>
<b>Canal Works Totals</b>		<b>440.0</b>	<b>2,560.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,000.0</b>
<b><u>Funding</u></b>						
BCR Phase 2 (GBSLEP-LGF)	2LG	440.0	1,510.0	0.0		<b>1,950.0</b>
BCR Phase 3 (DfT CCAG) <sup>(2)</sup>	3R3	0.0	1,050.0	0.0		<b>1,050.0</b>
ITB Walking, Cycling & Accessibility Programme	3H9	0.0	0.0	0.0		<b>0.0</b>
<b>Funding Totals</b>		<b>440.0</b>	<b>2,560.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,000.0</b>

Notes:

- (1) Canal & River Trust will fund the Development, Design and Contract Administration from their own resources as a local contribution, at an estimated £0.100m. These costs will not come through the City Council's ledger, and do not form part of the current approval.
- (2) The DfT have agreed the overall BCR Phase 3 funding in principle but grant for 2016/17 and beyond is subject to formal confirmation. The elements of the project to be funded through BCR Phase 3 CCAG will not be committed unless and until funding for 2016/17 is confirmed by DfT.

		2015/16	2016/17	2017/18	2018/19	Full Year
<b><u>Revenue Consequences</u></b>						
Maintenance Costs						0.0
Electricity Costs						0.0
<b>Totals</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b><u>Funded By:</u></b>						0.0
<b>Totals</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Note:

Maintenance of existing or improved assets on the canal network will become the responsibility of CRT and will not be a liability for the City Council, and this will form part of the Conditions of Grant Aid agreement with CRT. There are no highway maintenance revenue implications from the proposals covered by this report.

**Approvals to Date**

The BCR Phase 2 programme is £8.000m in total, funded by £6.000m from the Greater Birmingham & Solihull Local Enterprise Partnership's Local Growth Fund (GBSLEP-LGF) supported by £2.000m of local contributions from the City Council's ITB allocation and other local sources. The programme received Project Definition Document (PDD) approval at Cabinet in March 2015, as part of the approval to the overall Local Growth Fund. The current position in terms of approvals is shown below:

<b><u>BCR Phase 2 Cumulative Approvals to Date</u></b>			
	<b><u>GBSLEP Local Growth Fund</u></b>	<b><u>ITB &amp; Other Local Contributions</u></b>	<b><u>TOTAL</u></b>
<b><u>Overall Approval (PDD)</u></b>	<b><u>£6,000,000</u></b>	<b><u>£2,000,000</u></b>	<b><u>£8,000,000</u></b>
<b><i>Previous Approvals</i></b>			
Development Costs	£260,000	£140,000	<b><u>£400,000</u></b>
Detailed Design Costs	£400,000	£0	<b><u>£400,000</u></b>
Programme Management (to FBC)	£65,000	£10,000	<b><u>£75,000</u></b>
Green Routes (development costs only)	£0	£17,300	<b><u>£17,300</u></b>
<b>Remaining Funds (after previous approvals)</b>	<b><u>£5,275,000</u></b>	<b><u>£1,832,700</u></b>	<b><u>£7,107,700</u></b>
<b><i>Pending FBC Approvals</i></b>			
Canal Works <i>(this approval)</i>	£1,950,000	£0	<b><u>£1,950,000</u></b>
Big Birmingham Bikes	£165,000	£0	<b><u>£165,000</u></b>
Private Grants (Top Cycle Location)	£76,000	£0	<b><u>£76,000</u></b>
<b>Remaining Funds (after pending approvals)</b>	<b><u>£3,084,000</u></b>	<b><u>£1,832,700</u></b>	<b><u>£4,916,700</u></b>

The BCR Phase 3 programme is £30.000m in total, funded by £22.100m from the DfT's second tranche of CCAG funding and £7.900m from local public-sector sources as a local contribution. The programme received PDD approval at Cabinet in March 2015.

However, only first £1.000m of DfT CCAG funding has been formally approved by DfT for 2015/16, and the remainder for 2016/17 and beyond is still subject to final confirmation. The current position in terms of approvals is shown below:

<b>BCR Phase 3 Cumulative Approvals</b>			
	<b><u>CCAG Tranche 2 (DfT)</u></b>	<b><u>ITB &amp; Other Local Contributions</u></b>	<b><u>TOTAL</u></b>
<b><u>Overall Approved Programme</u></b>	<b><u>£22,100,000</u></b>	<b><u>£7,900,000</u></b>	<b><u>£30,000,000</u></b>
<b><i>Previous Approvals</i></b>			
PDD Development Costs	£825,000	£550,000	<b><u>£1,375,000</u></b>
PDD Detailed Design Cost	£175,000	£550,000	<b><u>£725,000</u></b>
PDD Programme Management	£0	£275,000	<b><u>£275,000</u></b>
<b>Remaining Funds (after previous approvals)</b>	<b><u>£21,100,000</u></b>	<b><u>£6,525,000</u></b>	<b><u>£27,625,000</u></b>
<b><i>Pending Approvals</i></b>			
PDD Development, Detailed Design and Programme Management (commencing 2016/17)	£1,325,000	£0	<b><u>£1,325,000</u></b>
Canal Works FBC ( <i>this approval</i> ) <sup>(1)</sup>	£1,050,000	£0	<b><u>£1,050,000</u></b>
Wingfoot Way / Wood Lane TROs FBC	£0	£10,000	<b><u>£10,000</u></b>
<b>Remaining Funds (after pending approvals)</b>	<b><u>£18,725,000</u></b>	<b><u>£6,515,000</u></b>	<b><u>£25,240,000</u></b>

Note:

- (1) The elements of the project covered by this FBC which are to be funded through the CCAG money for BCR Phase 3 will not be committed unless and until funding for 2016/17 is confirmed by DfT.

4. Checklist of Documents Supporting the FBC		
Item	Mandatory attachment	Number attached
<b>Financial Case and Plan</b>		
<ul style="list-style-type: none"> <li>Detailed workings in support of the above Budget Summary (as necessary)</li> </ul>	Mandatory	Appendix A
<ul style="list-style-type: none"> <li>Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document</li> </ul>	Mandatory	N / A
<ul style="list-style-type: none"> <li>Whole Lifecycle Costing analysis ( as necessary)</li> </ul>	Mandatory	N / A
<ul style="list-style-type: none"> <li>Milestone Dates/ Project Critical Path (set up in Voyager or attached in a spreadsheet)</li> </ul>	Mandatory	Appendix D
<b>Project Development products</b>		
<ul style="list-style-type: none"> <li>Stakeholder Analysis</li> </ul>	Mandatory	Appendix A
<ul style="list-style-type: none"> <li>Equality Analysis</li> </ul>	Mandatory	Appendix B
<ul style="list-style-type: none"> <li>Risk Management Assessment</li> </ul>	Mandatory	Appendix C
<ul style="list-style-type: none"> <li>Implementation Programme</li> </ul>	Mandatory	Appendix D
<b>Other Attachments (list as appropriate)</b>		
<ul style="list-style-type: none"> <li>Location Plans</li> </ul>		Appendix E

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	BCR Canal Works
<b>Directorate</b>	Economy
<b>Service Area</b>	Transportation Services Access & Development
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	To support the Full Business Case and Cabinet Report to improve the canal towpaths within the Birmingham Cycle Revolution project.
<b>Reference Number</b>	EA000859
<b>Task Group Manager</b>	Will.Martin@birmingham.gov.uk
<b>Task Group Members</b>	Andy.Chidgey@birmingham.gov.uk, Hilary.Mills@birmingham.gov.uk, Jennifer.Coombs@birmingham.gov.uk, Graham.Lennard@birmingham.gov.uk
<b>Date Approved</b>	2015-11-03 00:00:00 +0000
<b>Senior Officer</b>	anne.shaw@birmingham.gov.uk
<b>Quality Control Officer</b>	Lesley.Edwards@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.



## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

What is the purpose of this Function and expected outcomes?	<p>The Birmingham Cycle Revolution (BCR) is a project which seeks to increase cycling levels across Birmingham over a 20 year period. The purpose of this Equality Analysis (EA) is to assess the towpath refurbishment works and access improvements along the canal corridors which form part of the BCR project. This Equality Analysis (EA) complements previous EAs which have been undertaken as part of the BCR programme of works assessing previous canal towpath works, green route (off road paths) and development of other phases of the BCR project. (See EA references: EA000033, EA000034 &amp; EA000583).</p> <p>The expected outcomes from this project will encourage more people to cycle more often and help more people to be able to use and access the cycle network across Birmingham including the canal towpaths.</p> <p>The proposals will support the City Councils policy objectives outlined in the Council Business Plan and Budget 2015+, the Leaders Policy Statement 2015, and Birmingham 2026 Our Vision for the Future, in particular for a prosperous city that is better connected, smart and sustainable and a fair city tackling inequality and deprivation by improving transport links to employment, training opportunities and local services.</p> <p>The BCR project and the canal towpath and access improvement measures will support the aspirations of the emerging Birmingham Development Plan (BDP) and the Birmingham Connected White Paper. The works support the recommendations of the Transport, Connectivity &amp; Sustainability Overview and Scrutiny Committee (TCS O&amp;S) report, Changing Gear, Transforming Urban Movement Through Walking &amp; Cycling in Birmingham. The proposals will also support priorities from the Birmingham Climate Change Action Plan 2010+ particularly reducing the environmental impact of the city's mobility needs through Low Carbon Transport.</p>
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	No
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	No

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
<u>Comment</u> Positive benefits for cycling stakeholders. No negative impact.	
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	Yes

#### Comment

Positive benefits for wider community. No negative impact.

## 2.3 Analysis on Initial Assessment

The wider Birmingham Cycle Revolution (BCR) project is aimed at encouraging cycling by providing on road and off road route infrastructure particularly through disadvantaged areas. (Off road route provision also includes along canal towpaths and linking them to the wider BCR cycle route network). These are beneficial to less experienced cyclists, including younger, older and female cyclists who currently make up a disproportionately low number of all cyclists.

This initial Equality Assessment is focussed on the improvements to the canals and supports the Cabinet Report. Consultation through the BeHeard City Council consultation web portal has been undertaken and issues raised like understanding the needs of disabled users and addressing potential conflict between pedestrians and cyclists have been considered.

No protected characteristic group would be impacted negatively from the scheme. However, the protected characteristic groups listed below have been identified as benefiting positively from this element of the scheme.

#### Disability:

This element of the BCR project will provide improved canal towpaths and accesses which will particularly benefit disabled/people with mobility difficulties including wheelchair users and people using adapted bicycles.

Where new or improved canal towpath access locations are proposed, wheelchair accessible towpath ramps will be considered for implementation where reasonably practical. However, with any access proposal there will be a need to strike a balance taking into account land availability to physically construct a wheelchair accessible ramp, if there is any adverse impact on a heritage structure, if there is a need to reduce the navigation of the canal, and the economic value/cost of construction and future maintenance. These factors will influence the design options which sometimes might result in it not being practically possible to construct a wheelchair accessible ramp at each proposed canal location. The Birmingham Cycling and Walking map (along with other publications and signage) will help aid users to plan their journeys as the Birmingham cycling and walking map shows where there are step free accesses to the canal towpaths.

In addition, the review of access control barriers will improve canal towpath access for wheelchair users and non-standard bikes (including those used by disabled riders). The review of barriers includes an assessment of each site to determine whether barriers can be fully opened. Opening the barriers will make it easier for people with mobility difficulties to access the towpath network without having to negotiate barriers and/or use a radar key gate.

The improvements will benefit other canal users, including boat crews, anglers, joggers and people walking for health. This will support the Canal and River Trust's aim to improve access for all to Birmingham's Canal Network.

As cyclists and pedestrians use the towpaths together, the Canal and River Trust (CRT) are expanding their 'Share The Space, Drop Your Pace' campaign which has been piloted on busy sections of canal in London. BCC has taken advice from CRT on the types of material and layout that have been used successfully elsewhere on the canal network. As a result we are proposing a material with a slightly textured finish which will discourage higher cycling speeds and generate some tyre noise to warn pedestrians of approaching cyclists, as well as giving cyclists more grip in poor weather.

#### Age:

The project will provide improved off-road/canal towpath routes which will aid less confident and/or less experienced cyclists of all abilities and ages. In addition, the project will make the canal network more accessible to both younger and older visitors by improving access locations.

#### Gender:

The project will provide improved off-road routes which will particularly benefit female cyclists who may be less confident and/or less experienced, and currently make up a disproportionately low number of all cyclists.

#### Race:

The canal routes go through relatively disadvantaged areas and so the project will encourage cycling amongst communities which are ethnically mixed and/or socially deprived and which may have a low cycle usage at the moment.



### 3.1 Age

#### 3.1.1 Age - Differential Impact

Age	Relevant
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#### 3.1.2 Age - Impact

Describe how the Function meets the needs of Individuals of different ages?	The project will provide improved off-road routes which will aid less confident and/or less experienced cyclists of all abilities and ages. The project will make the canal network more accessible to both younger and older visitors by improving access locations.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	Statistical evidence from the census (and previous TravelWise surveys) are less likely to cycle, which tends to be younger and older people. Comments have also been received from previous consultations on schemes for cyclists and pedestrians where the lack of facilities have been identified as preventing younger and older people from cycling.
Have you received any other feedback about the Function in meeting the needs of Individuals of different ages?	Yes
Please record the nature of such feedback.	Consultation with Stakeholder Forums during the development of the BCR bids in 2014 and via the BeHeard consultation during September 2015.
You may have evidence from more than one source. If so, does it present a consistent view?	Not applicable
Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?	No

#### 3.1.3 Age - Consultation

Have you obtained the views of Individuals of different ages on the impact of the Function?	No
If not, why not?	There are no plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals of different ages?	Yes
If so, how did you obtain these views?	<p>The City Council has consulted local Councillors via email. Stakeholders (including cycle groups) have been consulted via email and the Be Heard consultation web portal.</p> <p>In addition, The Canal and Rivers Trust have consulted their key stakeholders through their forums.</p>

Is there anything about the Function and the way it affects Individuals of different ages which needs highlighting?	No
<u>Comment</u> NB: The Canal and Rivers Trust will be implementing the canal towpath improvements, and they are able to do this under their permitted development rights. They consult key stakeholders and inform the public of the works via their website and installing advanced notices on the canal towpath network	

### 3.1.4 **Age - Additional Work**

Do you need any more information to complete the assessment?	No
Please explain how.	It will enable users of differing ages (and protected characteristics groups) to share the canal towpath network together.
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Individuals of different ages being treated differently, in an unfair or inappropriate way, just because of their age?	No
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	Yes

## 3.2 Disability

### 3.2.1 Disability - Differential Impact

Disability	Relevant
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### 3.2.2 Disability - Impact

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<p>Describe how the Function meets the needs of Individuals with a disability?</p>	<p>The project will provide improved off-road/canal towpath routes and accesses which will benefit disabled and less mobile cyclists and pedestrians, including wheelchair users.</p> <p>Where new or improved canal towpath access locations are proposed, wheelchair accessible towpath ramps will be considered for implementation where reasonably practical. However, with any access proposal there will be a need to strike a balance taking into account land availability to physically construct a wheelchair accessible ramp, if there is any adverse impact on a heritage structure, if there is a need to reduce the navigation of the canal, and the economic value/cost of construction and future maintenance. These factors will influence the design options which sometimes might result in it not being practically possible to construct a wheelchair accessible ramp at each proposed canal location. The Birmingham Cycling and Walking map (along with other publications and signage) will help aid users to plan their journeys as the Birmingham cycling and walking map shows where there are step free accesses to the canal towpaths.</p> <p>The review of access control barriers for people with wheelchairs and non-standard bikes (including those used by disabled riders) will seek to open up the barriers to improve access to the canal towpath network for users. The review of access barriers is an issue that has been raised through the consultation process as they are seen as an inconvenience for users.</p> <p>As cyclists and pedestrians use the towpaths together, the Canal and River Trust (CRT) are expanding their 'Share The Space, Drop Your Pace' campaign which has been piloted on busy sections of canal in London. BCC has taken advice from CRT on the types of material and layout that have been used successfully elsewhere on the canal network, and are proposing a material with a slightly textured finish which will discourage higher cycling speeds and generate some tyre noise to warn pedestrians of approaching cyclists.</p>
<p>Do you have evidence to support the assessment?</p>	<p>Yes</p>
<p>Please record the type of evidence and where it is from?</p>	<p>Previous schemes implemented by the Canal and Rivers Trust in other areas of the country.</p>

Have you received any other feedback about the Function in meeting the needs of Individuals with a disability?	Yes
Please record the nature of such feedback.	<p>During the last BCR canal towpath EA/development work in May 2015, a representative for the Guide Dogs for the Blind highlighted a general concern over conflict of their users with cyclists. Individuals with a hearing and/or visual impairment might feel that more cyclists on the towpath will reduce their confidence in using the towpaths.</p> <p>It should be noted that the towpaths are already shared by many different users, but to help mitigate against this The Canal and Rivers Trust will seek to adopt the 'slow your pace, share the space' campaign to ensure that cyclists are considerate to all other users. However, unfortunately it is impractical for the canal towpaths to be widened to accommodate segregated shared use.</p> <p>The Canal and Rivers Trust would be responsible for monitoring any complaints received regarding any shared use issues.</p>
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	No

### 3.2.3 Disability - Consultation

Have you obtained the views of Individuals with a disability on the impact of the Function?	No
If not, why not?	There are no plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals with a disability?	Yes
If so, how did you obtain these views?	Stakeholder consultation has been undertaken with groups representing people with disabilities via email including: Access Committee, RNIB and the Guide Dog Association.
Is there anything about the Function and the way it affects Individuals with a disability which needs highlighting?	No



#### Comment

Individuals with a hearing and/or visual impairment might feel that more cyclists on the towpath will reduce their confidence in using the towpaths. The Canal and Rivers Trust are seeking to adopt the Share the space, drop your pace campaign to ensure that cyclists are considerate towards all other users on the towpath.

It should be noted that cyclists and other users all currently use the towpaths, and conflict between users is very limited and is not seen as a problem. However, this will be kept under review and monitored by the Canal and Rivers Trust.

### **3.2.4 Disability - Additional Work**

Do you need any more information to complete the assessment?	No
Please explain how.	By aiding access to the canal towpath will raise the profile of disability with other canal towpath users.
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Individuals with a disability being treated differently, in an unfair or inappropriate way, just because of their disability?	No
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	Yes
Do you think that the Function will take account of disabilities even if it means treating Individuals with a disability more favourably?	Yes
Do you think that the Function could assist Individuals with a disability to participate more?	Yes
Do you think that the Function could assist in promoting positive attitudes to Individuals with a disability?	Yes

### 3.3 Gender

#### 3.3.1 Gender - Differential Impact

Gender	Relevant
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#### 3.3.2 Gender - Impact

Describe how the Function meets the needs of Men and women?	The project will provide improved off-road routes which will particularly benefit female cyclists who may be less confident and/or less experienced, and currently make up a disproportionately low number of all cyclists. It should be noted that the project does not seek to provide any additional lighting other than what is in place at the moment (which is mostly just in the city centre around Gas Street etc). Both male and female cyclists might feel vulnerable cycling along the canal towpaths at night. As a result, in most cases there will be a lit on-road alternative to the canal towpath under the highways part of the BCR programme (which will be a separate FBC).
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	The original BCR Grant bid documents from 2013 & 2014 and the travel to work output data from the census 2011.
Have you received any other feedback about the Function in meeting the needs of Men and women?	Yes
Please record the nature of such feedback.	Cycle Forum discussions on encouraging more women to cycle - which take place quarterly and at monthly stakeholder meetings.
You may have evidence from more than one source. If so, does it present a consistent view?	Yes
Is there anything about the Function and the way it affects Men and women which needs highlighting?	No

#### 3.3.3 Gender - Consultation

Have you obtained the views of Men and women on the impact of the Function?	Yes
If so, how did you obtain these views?	At the quarterly Cycle Forums, monthly stakeholder meetings and through the BeHeard consultation portal - where both genders are encouraged to respond.
Have you obtained the views of relevant stakeholders on the impact of the Function on Men and women?	Yes
If so, how did you obtain these views?	At the quarterly Cycle Forums and through key stakeholders consultations (including with local ward councillors)

Is there anything about the Function and the way it affects Men and women which needs highlighting?	No
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### 3.3.4 **Gender - Additional Work**

Do you need any more information to complete the assessment?	No
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Men and women being treated differently, in an unfair or inappropriate way, just because of their gender?	No

### 3.4 Race

#### 3.4.1 Race - Differential Impact

Race	Relevant
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#### 3.4.2 Race - Impact

Describe how the Function meets the needs of Individuals from different ethnic backgrounds?	The canal routes go through relatively disadvantaged areas and so the project will encourage cycling amongst communities which are ethnically mixed and/or socially deprived and which may have a low cycle usage at the moment.
Do you have evidence to support the assessment?	Yes
Please record the type of evidence and where it is from?	The original BCR Grant bid documents in 2013 and 2014 and through analysis of census information which informed the original bids.
Have you received any other feedback about the Function in meeting the needs of Individuals from different ethnic backgrounds?	No
You may have evidence from more than one source. If so, does it present a consistent view?	Not applicable
Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?	No

#### 3.4.3 Race - Consultation

Have you obtained the views of Individuals from different ethnic backgrounds on the impact of the Function?	No
If not, why not?	There are no plans to consult relevant individuals
Have you obtained the views of relevant stakeholders on the impact of the Function on Individuals from different ethnic backgrounds?	Yes
If so, how did you obtain these views?	At the Cycle Forum event which informed the development of the original Cycle City Ambition Grant bid. The event was widely promoted to all members of the community.
Is there anything about the Function and the way it affects Individuals from different ethnic backgrounds which needs highlighting?	No

#### 3.4.4 Race - Additional Work

Do you need any more information to complete the assessment?	No
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Please explain how.	It will help different communities to access the canal towpaths and help ensure that all different races share this facility together. In addition, post monitoring (including post 2021 census information) will be used to identify if more people from these communities are choosing to cycle.
Is there any more work you feel is necessary to complete the assessment?	No
Do you think that the Function has a role in preventing Individuals from different ethnic backgrounds being treated differently, in an unfair or inappropriate way, just because of their ethnicity?	No
Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it?	Yes

### **3.5 Concluding Statement on Full Assessment**

The BCR programme for Birmingham seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute towards: improving health and the environment, reducing car dependency and improving connectivity for households without a car. Many of the measures will also benefit pedestrians, public transport users and road safety.

The canal towpath and access improvement element of the programme which this EA supports highlights that overall the proposed improvements to the canal corridors do not make any negative impacts on any of the protected characteristic groups. The City Council will monitor the implementation of the canal towpaths and accesses and review the usage. The improvements will also benefit ambient disabled users. If any issues affecting any protected characteristic group appears the Equality Assessment will be reviewed and new mitigation measures considered and actioned upon if required.

### **4 Review Date**

31/03/18

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

**Birmingham Cycle Revolution - Canal Works - Risk Management Assessment**

No	Item of Risk	Inherent Risk		Control Measures	Control Measure Managed by	Residual Risk	
		Impact	Likelihood			Impact	Likelihood
1	Stakeholder (including cycling groups and canal users) may not support elements of the proposals.	Medium	Medium	On-going stakeholder consultation and dialogue to identify and address issues. Unresolved issues will be considered by the Project Board.	Project Management Team / CRT	Medium	Low
2	Construction cost estimates exceed initial estimates once the work is fully designed.	Medium	Medium	Detailed estimates already obtained from CRT's framework contractor. Final estimates to be obtained before works commence, and adjustments made to the scope of work if necessary to stay within budget.	Project Management Team / CRT	Medium	Low
3	Increase in construction costs due to inflation, additional work or other unforeseen circumstances on site.	Medium	Medium	Contractor rates are already fixed through CRT's framework contract. Work packages will be monitored to ensure that potential overspends are addressed at an early stage, and the extent of work adjusted if necessary to avoid exceeding available funding.	Project Management Team / CRT	Medium	Low
4	Disruption to canal users during the construction stage.	Medium	Medium	CRT and their contractors to plan works to minimise disruption to users of the towpath and canals, local information and signing to be provided ahead of towpath closures. It is not envisaged that any closures of the waterways will be needed.	Project Management Team / CRT	Low	Medium
5	Department for Transport failing to confirm final approval for CCAG from 2016/17 onwards, so the elements of work funded by CCAG cannot be paid for.	High	Low	The COGA Agreement with CRT will include requirements for the City Council to agree each element of work before commencement, to ensure that expenditure is not committed before funding is confirmed.	Project Management Team / CRT	Medium	Low
6	Delay to construction programme leading to LEP or CCAG grant not being spent by the funding deadline.	High	Medium	On-going monitoring of programme by CRT and Programme Managers. Schemes commissioned as soon as possible after approval is received. Weather dependent works will be programmed into the summer periods wherever possible.	Project Management Team / CRT	Medium	Medium
7	CRT or their contractor failing to perform or implement the measures to the required standard / programme etc.	Medium	Medium	BCC's Programme Management Team to monitor CRT's progress regularly, the Grant agreement with CRT will specify that grant payments will be made in arrears and subject to sections of work being completed satisfactorily.	Project Management Team / CRT	Low	Medium

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>THE CHIEF EXECUTIVE AND DIRECTOR OF ECONOMY AND THE DIRECTOR OF FINANCE</b>	
<b>Date of Decision:</b>	<b>17th November 2015</b>	
<b>SUBJECT:</b>	<b>CORPORATE REVENUE BUDGET MONITORING 2015/16 MONTH 6 (UP TO 30<sup>TH</sup> SEPTEMBER 2015)</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000774/2015</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive and Director of Economy approved</b> <b>O&amp;S Chairman approved</b> <span style="float: right;"><b>X</b></span>	
<b>Relevant Cabinet Member(s):</b>	<b>Councillor Ian Ward</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffir</b>	
<b>Wards affected:</b>	<b>All</b>	

<b>1. Purpose of report:</b>
<p>1.1 This report forms part of the City Council's robust arrangements for controlling its revenue expenditure.</p> <p>1.2 Each Directorate's financial performance to date is shown, together with the risks and issues identified to date in the Corporate Revenue Budget Monitoring document for Month 6, which is appended to this report.</p>

<b>2. Decision(s) recommended:</b>
<p>2.1 Note the City Council's 2015/16 revenue budget position and the gross pressures identified as at 30<sup>th</sup> September 2015.</p> <p>2.2 Note the latest monitoring position in respect of the City Council's savings programme and the present risks identified in its delivery.</p> <p>2.3 Approve the resource allocations as identified in Section 2.5 of the report.</p> <p>2.4 Approve the writing off of debts over £25,000 as summarised in section 4 and detailed in Appendix 5 of the report.</p>

<b>Lead Contact Officer(s):</b>	<b>Jon Warlow, Director of Finance</b>
<b>Telephone No:</b>	0121-303-2950
<b>E-mail address:</b>	jon.warlow@birmingham.gov.uk



<b>3.</b>	<b>Consultation</b>
	Consultation should include those that have an interest in the decisions recommended.
3.1	<u>Internal</u>  Cabinet Members, Strategic Directors and Assistant Directors of Finance have been consulted in the preparation of this report.
3.2	<u>External</u>  There are no additional issues beyond consultations carried out as part of the budget setting process for 2015/16.
<b>4.</b>	<b>Compliance Issues:</b>
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>  The budget is integrated with the Council Business Plan, and resource allocation is directed towards policy priorities.
4.2	<u>Financial Implications</u> <u>(Will decisions be carried out within existing finances and Resources?)</u>  The Corporate Revenue Budget Monitoring document attached gives details of monitoring of service delivery within available resources.
4.3	<u>Legal Implications</u>  Section 151 of the 1972 Local Government Act requires the Director of Finance (as the responsible officer) to ensure the proper administration of the City Council's financial affairs. Budgetary control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Directorates and members of the Corporate Leadership Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.
4.4	<u>Public Sector Equality Duty (see separate guidance note)</u>  There are no additional Equality Duty or Equality Analysis issues beyond any already assessed in the year to date. Any specific assessments needed will be made by Directorates in the management of their services.

<b>5.</b>	<b>Relevant background/chronology of key events:</b>
5.1	At the meeting on 3rd March 2015, the Council agreed a net revenue budget for 2015/16 of £874.541m to be met by government grants and council tax payers.
5.2	The base budget forecast variations in each Directorate are detailed in Section 2 of the Corporate Revenue Budget Monitoring document, together with the actions presently proposed to contain spending within cash limits. The position is summarised in tabular form in Appendix 1 which incorporates actual year to date and forecast year end pressures by Directorate.
5.3	Directorate risks relating to the Savings Programme, and measures being undertaken to alleviate these are detailed in Section 2 of this report. The position is summarised in tabular form in Appendix 3.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	Strategic Directors, in striving to manage their budgets, have evaluated all the options available to them to maintain balance between service delivery and a balanced budget.
<b>7.</b>	<b>Reasons for Decision(s):</b>
7.1	<p><u>To inform Cabinet of:</u></p> <p>The City Council's 2015/16 revenue budget position and the level of gross pressures identified as at 30<sup>th</sup> September 2015.</p> <p>The latest monitoring position in respect of the City Council's Savings Programme and the present risks identified in its delivery.</p> <p><u>To approve:</u></p> <p>The writing off of debts over £25,000 as summarised in section 4 and detailed in Appendix 5 of the report.</p> <p>The resource allocations as identified in Section 2.5 of the report.</p>

Signatures		Date
Director of Finance	.....	.....
Chief Executive	... ..	.....
Deputy Leader	.....	.....

List of Background Documents used to compile this Report:
City Council Business Plan 2015+ approved at Council (3 March 2015).

List of Appendices accompanying this Report (if any):
1. Corporate Revenue Budget Monitoring Document – Month 6
2.
3.
4.
5.

<b>Report Version</b>	V1.0	<b>Dated</b>	6 <sup>th</sup> November 2015
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# **CORPORATE REVENUE BUDGET MONITORING REPORT 2015/16**

## **MONTH 6**

**(up to 30<sup>th</sup> September 2015)**

## **Section**

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**1. Executive Summary**

- 1.1 The City Council has a General Fund net revenue budget of £874.541m. Latest projections indicate a pressure of £8.779m in the base budget delivery at year-end and £10.517m of risks relating to the savings programme, giving combined pressures and savings risks of £19.296m at year end. This is a reduction of £4.967m since Month 5. The overall position is summarised in Table 1 overleaf.
- 1.2 As in previous years, plans continue to be developed to manage these financial issues and risks to ensure the City Council balances its budget by the year end. Progress will be reported upon further in future monitoring reports.
- 1.3 Section 2 of this report details budget pressures on the net revenue budget and savings with actions not yet in place by Directorates.
- 1.4 The City Council Business Plan 2015+ recognised that in order to accommodate resource losses and fund budget pressures, savings of £105.400m would be required from Directorates in 2015/16. In addition, there are savings from 2014/15 of £4.855m, where delivery still needs to be monitored, including where they were met on a one-off basis. Total savings to be met in 2015/16 are therefore £110.255m.
- 1.5 A review of the position on each of the savings initiatives is undertaken each month, and the position at Month 6 is summarised for the City Council in Table 2 overleaf (and detailed on a Directorate basis in Appendix 3). This shows that £99.738m (90.5%) of the required savings of £110.255m are on course to be delivered. Work continues to identify ways of achieving the delivery of the remaining £10.517m of the overall savings target.
- 1.6 Cabinet are also requested to approve the writing off of Irrecoverable Housing Benefit, Council Tax and Business Rate income.
- 1.7 Section 5 of this report details a summary overview of the Collection Fund.

**Table 1 - Summary forecast position of base budget and risks relating to savings programme**

Directorate	Current Budget £m	Net Base Budget Pressures			Savings Programme Actions Not Yet in Place			TOTAL		
		as at			as at			as at		
		Month 6 £m	Month 5 £m	Movement £m	Month 6 £m	Month 5 £m	Movement £m	Month 6 £m	Month 5 £m	Movement £m
People Directorate	541.806	2.032	2.756	(0.724)	7.187	6.463	0.724	9.219	9.219	0.000
Place Directorate	175.411	5.089	7.389	(2.300)	2.014	4.514	(2.500)	7.103	11.903	(4.800)
Economy Directorate	167.569	1.658	1.950	(0.292)	1.316	1.191	0.125	2.974	3.141	(0.167)
Policy Contingency	32.483	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Other Corporate Items	(42.728)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
City Council General Fund	874.541	8.779	12.095	(3.316)	10.517	12.168	(1.651)	19.296	24.263	(4.967)
Housing Revenue Account	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

**Table 2 - Summary of Savings Programme delivery**

	Position as at Month 6 £m	Position as at Month 5 £m
Actions in place to fully achieve savings	78.592	78.992
Actions in place to achieve savings in year only	12.043	9.457
Actions in place but may be some risk to delivery	9.103	9.638
Actions not yet in place	10.517	12.168
<b>Total Savings Programme</b>	<b>110.255</b>	<b>110.255</b>

## 2. **Detailed Revenue Commentaries by Directorate**

The following paragraphs comment on the major financial issues identified at this point in the year. Detailed figures for each Directorate are shown in Appendix 1.

### 2.1 **People Directorate**

The Directorate is forecasting a pressure of £2.032m (Month 5 £2.756m) on the base budget and £7.187m (Month 5 £6.463m) of risks relating to the Savings Programme.

#### **Base Budget**

A base budget pressure of £2.032m (Month 5 £2.756m) is forecast at Month 6 and relates to the following:

- £1.227m on external children's placements budget in Early Help and Children's Social Care where demand, the mix of care packages and their unit prices are running ahead of the projections on which the budget is based. As part of the improvement agenda, rigorous controls have reduced this overspend over recent months with a view to mitigating this position going forward
- £0.580m on legal services within Early Help and Children's Social Care due to disbursements for court fees
- £0.340m on Other Adult Services in respect of the Independent Living Fund as a result of 5% attrition rate applied
- £1.652m arising from increased care packages, agency and other costs in all areas above the available resources. This includes demographic pressure on Older Peoples care, higher cost packages in Younger Adults, and the impact of Care Act and joint working with Health
- £0.625m in relation to Deprivation of Liberty Safeguards
- £0.112m of other minor pressures

The above position is reduced by holding employee vacancies of £0.374m and spreading Pension Fund Strain costs over three years rather than funding all of the cost in 2015/16 saving £0.380m. The Directorate is seeking to further mitigate the impact of the continuing pressure on care package costs by reviews of the costs of new packages of care of £1.000m and the use of agency staff across the Directorate of £0.750m and will continue to work to identify other appropriate actions which can be taken.

#### **Savings Programme**

The assessment of the Savings Programme is that £7.187m (Month 5 £6.463m) is at risk. The worsening position relates to the Younger Adults savings programme,



partially offset by one-off resources identified to fully meet the 2015/16 savings requirement for Early Years. The risks at Month 6 relate to the following:

- £6.919m for Younger Adults, particularly in Learning Disability. The Directorate continues to implement a range of actions including commissioning new services, improving programme management arrangements, learning from other Councils, securing wider public support to move people from residential care, reviewing in-house learning disability day care needs to be provided in future and increasing the scale of Direct Payments. The increase in the overspend this month has arisen from a number of factors which work against these actions including the need to reassess the suitability of some providers for delivering Supported Living and market pressure on home-care rates and Direct Payments
- £0.268m for unattached School Playing Fields. The action plan for savings is progressing slowly due to complex legal issues. A revised project cost will be available in the next few months once the timescales for the proposed leases and disposals have been clarified

The Directorate is developing other mitigations and management actions to address savings where actions are currently not in place to deliver savings, and these will be reported in future monitoring reports.

## 2.2 **Place Directorate (excluding Housing Revenue Account)**

The Directorate is reporting a pressure of £5.089m (Month 5 £7.389m) on the base budget and £2.014m (Month 5 £4.514m) of risks relating to the Savings Programme.

This represents an improvement of £4.800m in the overall position of the Directorate from £11.903m at Month 5 to £7.103m at Month 6. This relates mainly to corporate mitigations for the former District Services and Pest Control.

### **Base Budget**

A base budget pressure of £5.089m is forecast at Month 6 (Month 5 £7.389m) relating to the following:

- The delay in the planned transfer of the Alexander Stadium as part of the new Sport and Physical Activity Transformation Programme will result in a base pressure of £0.800m (due to the on-going work to transfer the other community sports and leisure facilities to the new service provider and the complex nature of the Alexander Stadium framework contract). The base pressure has reduced by £0.400m since Month 5 as a result of income that is expected from Harborne Pool as part of the contractual agreement to share surpluses
- Pressures on the Refuse Collection Service of £3.800m. A major transformation of the service has been in progress (with the introduction of a wheeled bin service) and this is expected to be completed by December 2015. However, a number of pressures on the operational day to day service have been identified

(mainly employees / agency staff) and this is resulting in an additional projected pressure of £3.800m. This projection assumes that there will be no liabilities to the Council from the operational problems with the generator at the incinerator. In addition, it does not include the potential implications from the abolition of the credits from the climate change levies that were announced by the Chancellor in his Statement on 8<sup>th</sup> July 2015. Further work is in progress to consider any potential mitigations including the improvement in productivity, reduction in the use of agency staff and savings in the acquisition of new vehicles / wheeled bins

- A pressure on Regulatory Services of £0.480m has been identified (relating to income related under-recovery on Registrar Services and additional staffing costs on Coroner Services)
- Other minor pressures of £0.009m

A number of projects are in progress to develop new future operation models for services including Neighbourhood Officers, Community Libraries, Community Play/Development, Local Car Parks and operational Management Structures (all services formally devolved and managed by the Districts). These programmes are complex and will require extensive consultation locally. In view of this, it is proposed that the estimated pressures of £1.8m relating to these services will be funded from corporate resources as these are structural financial issues pre-dating establishment of the Place Directorate.

A detailed review continues to be undertaken in the Directorate of the necessary management actions and mitigations needed to be implemented to address the pressure (a moratorium on non-essential health and safety expenditure has already been established for Refuse Collection Services).

### **Savings Programme**

The assessment of the Savings Programme is that £2.014m (Month 5 £4.514m) is at risk. This is as follows:

- £0.100m for Pest Control. The savings target of £1.300m will not be fully delivered due to service and competitive market considerations. Further work has identified that around £0.100m of this saving can be achieved by the service and in recognition of the limited scope for savings by the Licencing and Public Protection Committee, the residual £1.200m will be funded from corporate resources.
- £1.000m for Markets – The detailed review that has been undertaken of the service now indicates that the full savings target is potentially at risk. Savings of £0.300m were planned by actively seeking short term lets in the Wholesale Market and reducing void units in the Indoor Market. However, Legal Services have advised against short term lets given the impending closure and relocation of the Wholesale Market. A process of establishing new leases between the City Council and Indoor Market Traders has commenced and Legal Services have similarly advised against accepting new tenants until a

new lease has been established. Options to resolve the issues in the medium term continue to be developed and are expected to be delivered

- £0.700m for Fleet and Waste – the Service Review process proposed a 15% increase in Trade Waste fees in 2015/16, with the target of increasing income by £1.500m. However, an increase of 8% (£0.800m) was approved by Cabinet, as recommended by the Street Services Task and Finish Group following its investigation into the viability of a 15% increase. The remaining saving requirement (£0.700m) was to be achieved by reductions in operational costs and discontinuing uneconomic services such as glass collection and cesspit emptying. Work is ongoing to look at ways that this can be delivered
- Slippage of £0.160m relating to the Birmingham Careers Service as a result of prior year pension strain costs
- Other savings at risk of £0.054m

The estimated slippage of £1.7m in the savings programme for the former District Services (see explanation above in base pressures) will also be funded from corporate resources to resolve the structural financial issues, pre-dating the establishment of the Place Directorate.

### 2.3 **Economy Directorate**

The Directorate is reporting a pressure of £1.658m (Month 5 £1.950m) on the base budget and £1.316m (Month 5 £1.191m) of risks relating to the Savings Programme.

This is a favourable movement of £0.167m from the forecast position reported at Month 5 of £3.141m.

#### **Base Budget**

A base budget pressure of £1.658m (Month 5 £1.950m) is forecast at Month 6. This relates to the following:

##### Deferred Services - £0.259m overspend

The catering events service operates from Highbury Hall, a property held by the Council in trust. The costs of maintaining and operating the property are split between Acivico and the Council based on the split of activity. Parts of the building are in poor condition and the final detail on the split of charges for the maintenance of the property is not yet complete. At present, a pressure of £0.259m is reported. However, part of this is expected to be offset by income from the catering service.

##### Corporate Strategy - £0.808m overspend

There is a £0.388m pressure within the Corporate Strategy team as a result of challenging or residual income targets across some of its component teams, print brokerage, document room and European Team. Mitigations through reduced spending or new income for these pressures will be sought across the service where possible. There is also a pressure relating to the Cabinet Office of £0.374m and other

minor variations of £0.046m. The decrease from Month 5 of £0.106m relates to reclassification of base budget pressures in Communications to the Savings Programme.

### Planning and Regeneration - Balanced position

Local land charges expected income is £0.452m less than budgeted. Within the service, additional Planning Application income of £1.250m to date is being used to offset pressures of £0.213m as a result of delays in reducing the City Centre Management Team and additional costs associated with the management of festive lighting plus additional costs arising from Master Planning of £0.365m and pension fund strain cost of £0.220m. The Planning and Regeneration service are therefore reporting a balanced position.

### Trading Income Target - £0.250m

Acivico is contracted to make a commercial return to the Council. The company is achieving this and making a modest surplus in excess of that. However, the projected return from Acivico is currently unlikely to meet the Council's higher retained income budget which was based on a higher rate of turnover for the company from Council projects of £0.783m, and a pressure of £0.250m is expected.

### Trading Services

Civic Catering, Cleaning and Birmingham City Laboratories (BCL) trading services have transferred to Acivico. The contract included assumptions regarding surplus targets to be generated from the services. The targets negotiated with Acivico for surplus in these areas are stretch targets and these will be monitored throughout the year.

### Shelforce

Shelforce, the Council's supported manufacturing business, has a healthy short term pipeline of orders and is currently on track to perform within budget. They have experienced trading problems in the past and are very susceptible to any slippage or delays in capital works and orders coming forward. Consequently, Shelforce's pipeline will be closely monitored throughout the year and performance reported as appropriate.

### Other - £0.341m overspend

There are other pressures of £0.341m within the Directorate.

## **Savings Programme**

Economy is reporting £1.316m (Month 5 £1.191m) of savings at risk at Month 6. These relate to the following:

- £0.521m relating to Employment and Skills. This saving will not be achieved and the Directorate is currently looking at ways to fund this pressure
- There are risks around the delivery of £0.320m to Strategic Transport and £0.100m to Planning and Regeneration relating to savings of bringing teams together and reducing costs. The merging of the teams is in the process of consultation and the progress will be reported in future monitoring reports

- £0.125m of savings with actions not in place relating to the realignment of marketing & communications budgets which is part of an ongoing redesign of the service.
- Other savings with actions not yet in place of £0.250m which relate to savings anticipated through implementation of the Joint Economic Unit and a planned reorganisation of services

Work is ongoing to identify alternative ways of delivering the savings.

## 2.4 **Housing Revenue Account**

A balanced HRA Budget was approved for 2015/16 (expenditure of £290.0m funded by equivalent income). A balanced year-end position is projected. The current budgets and the forecast year-end financial position are summarised in the table below:

<b>Service</b>	<b>Current Budget £'m</b>	<b>Year End Projection £'m</b>
Rent/Service Charges (net of Voids)	(290.0)	3.0
Repairs and Maintenance	67.3	(0.5)
Contributions for Capital Investment	53.6	-
Capital Financing Costs	65.2	7.1
Local Office/Estate Services/Equal Pay	103.9	(9.6)
<b>Net Position</b>	<b>-</b>	<b>-</b>

The rent income adverse variation of £3.000m is primarily a combination of:

- empty property rent loss (due to a small number of difficult to let properties and the moves by existing tenants to new Birmingham Municipal Housing Trust properties)
- provisions for current tenant arrears and housing benefit overpayments (due primarily to the new Welfare Reforms as part of the introduction of Universal Credit and direct payments to tenants)
- former tenant arrears (relating to early identification of abandoned properties as a result of the annual visits programme)

The forecast underspend on local office/estate services of £9.600m is mainly the re-phasing of equal pay and employee savings from vacancies.

These savings will be used for additional repayment of debt (as opposed to retaining the savings as reserves). This represents better value for money as it will generate in-year and future year debt interest savings.

A number of financial pressures will arise within the HRA for 2016/17 and onwards following the Chancellor's announcements on the 8<sup>th</sup> July 2015 relating to rent policy and housing benefits. These will be evaluated and reported to Cabinet and Council as part of the Business Plan 2016+.

## 2.5 **Resource Allocations**

### General Policy Contingency

#### *Trusts and Charities*

Professional support (legal, finance and Building Property Services) is provided to Trusts that fall under the remit of the Trusts and Charities Committee. Trusts that have the ability to pay for the support costs will be charged accordingly. Policy Contingency funding of £0.042m is requested to be approved for those trusts that do not have the ability to pay for professional support provided by Officers.

If approved, the unallocated balance on the General Policy Contingency is £3.913m.

### Fleet and Waste Management Service (including Waste Strategy)

The proposed use of reserves to complete and implement the new Waste Vision and Strategy was reported to Cabinet on 20<sup>th</sup> October. The phasing of the expenditure has been reviewed in the light of the work programmes and will be brought forward over 2015/16 to 2017/18 instead of 2016/17 to 2018/19.

The table below sets out the proposed revised use of these resources over the next 3 years:

	2015/16 £m	2016/17 £m	2017/18 £m	Total £m
Project Management Support	0.040	0.040	0.040	0.120
Interim and Additional Management Support	0.050	0.100	0.100	0.250
Specialist Technical Advisors	0.050	0.100	0.100	0.250
Financial Advisors	0.040	0.150	0.150	0.340
Legal Advice	0.040	0.100	0.100	0.240
<b>Total</b>	<b>0.220</b>	<b>0.490</b>	<b>0.490</b>	<b>1.200</b>

### Discretionary Housing Payments

The allocation of Discretionary Housing Payments (DHP) from central government was reduced for 2015/16 and is expected to be exhausted by January 2016, leaving an anticipated deficit in funding available to assist vulnerable tenants with a shortfall between their contractual rent and their housing benefit. The Council is allowed under

the Permitted Totals Order to increase the level of DHP above that allocated by Government. The predicted shortfall in DHP for the remainder of the current financial year, amounting to £1.000m, is requested to be vired from the current Housing Benefit reserves to the DHP fund. This will allow for adequate financial support to be provided to housing benefit claimants through the use of DHP and also adequate funds remain in the Local Welfare Provision (LWP) for the remainder of the current year for crisis and community support assistance.

### 3. Irrecoverable Housing Benefit

In circumstances where Housing Benefit overpayments are identified as not being recoverable, or where recovery is deemed uneconomic, the City Council's Financial Regulations and delegated powers allow for these overpayments and income to be written off. All possible avenues must be exhausted before such write offs are considered. Amounts already written off will still be pursued should those owing the Council money eventually be located or returned to the city.

The cost to the Council of writing off these irrecoverable sums will be charged to the City Council's provision set up for this purpose, which includes sums set aside in previous years to meet this need. There is no direct effect on the revenue account.

Cabinet are requested to approve the writing off of a separate Housing Benefit debt to the Council which is greater than £0.025m, totalling £0.026m. Appendix 5 details the nature of the debt, action taken to seek its recovery and the reasons for the recommendation for write off.

In 2015/16, from 1<sup>st</sup> September 2015 up to 30<sup>th</sup> September 2015, further items falling under this description in relation to Benefit overpayments have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £0.118m, which Members are asked to note.

<b>Age Analysis</b>	Up to 2009/10	2010/11 - 12/13	2013/14 15/16	<b>Total</b>
	£m	£m	£m	<b>£m</b>
Benefit Overpayment	0.001	0.017	0.100	0.118
<b>Total</b>				<b>0.118</b>

Appendix 4 to this report gives a more detailed age analysis of overpayments and income written off.



#### 4. Irrecoverable Council Tax & Business Rates

All Council Tax and Business Rates are due and payable. However, there are certain instances where the amount of the bill needs to be either written off or reduced (e.g. where people have absconded, have died, have become insolvent or it is uneconomical to recover the debt).

If an account case is subject to this, then consideration is given to write the debt off subject to the requirement for Service Birmingham Revenues to consider all options to recover the debt, prior to submitting for write off. However, once an account has been written off, if the debtor becomes known to the Revenues Service at a later date, then the previously written off amount will be reinstated and pursued.

In respect of Business Rates, where a liquidator is appointed, a significant period of time is taken to allow for the company's affairs to be finalised by and to subsequently determine if any monies are available to be paid to creditors. Once it is established this is not to happen, a final search of Companies House is undertaken to confirm the company has been dissolved.

Cabinet are requested to approve the writing off of Business Rates debts to the Council, each greater than £0.025m totalling £0.589m. Appendix 5 details the nature of the debts and actions undertaken to seek their recovery. The reasons for the write offs relate either to dissolution or insolvency of the company.

In 2015/16, from 1<sup>st</sup> September 2015 up to 30<sup>th</sup> September 2015, further items falling under this description in relation to Council Tax and Business Rates have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £1.465m, which Members are asked to note.

<b>Age Analysis</b>	<b>Up to 2009/10</b>	<b>2010/11</b>	<b>2013/14</b>	<b>Total</b>
		12/13	15/16	
	£m	£m	£m	£m
Council Tax	0.643	0.258	0.142	1.043
Business Rates	0.422	0.000	0.000	0.422
<b>Total</b>				<b>1.465</b>

Appendix 4 to this report gives a more detailed age analysis of income written off.

## 5. Collection Fund

- 5.1 The monitoring arrangements for the Collection Fund include reporting on the in-year position for Council Tax and Business Rates. However, for the most part, the impact on the budget is as set out in the Council Business Plan and Budget 2015+, with any surplus or deficit being required to be carried forward and taken into account as part of the 2016/17 budget setting process.

### Council Tax

- 5.2 The overall net budget for Council Tax is £271m in 2015/16. In addition, the Council collects the precepts on behalf of the Fire and Police Authorities. A small in-year surplus is forecast, of which the Council's share is expected to be £0.062m. However, a cumulative surplus brought forward from 2014/15 (over and above that budgeted for) has previously been reported, of which the Council's share is £3.180m.
- 5.3 This therefore results in a forecast net surplus of £3.242m expected to be carried forward by the Council into 2016/17. This will be taken into account in the 2016/17 budget setting process.

### Business Rates

- 5.4 The Council retains just under half of all business rates collected under the Business Rates Retention Scheme. The overall budgeted level of Business Rates in 2015/16 is £404.9m (excluding Enterprise Zone growth), of which the Council's retained share is £198.4m.
- 5.5 The cumulative deficit brought forward from 2014/15 was more than that originally forecast, of which the Council's share is £3.895m. This was mainly due to the impact of providing for Business Rates appeals earlier than originally anticipated when setting the 2015/16 budget. All else being equal and as a result of providing for these appeals earlier, an in year surplus would be expected. However, the latest information from the valuation office indicates that the average reduction in income as a result of appeals has increased resulting in a forecast balanced position in year. A forecast deficit of £3.895m is therefore anticipated to be taken into account in 2016/17.
- 5.6 In addition, aspects of the Business Rates regime also impact on the General Fund in the form of grants for specific types of reliefs awarded. There is a forecast reduction in income of £1.217m anticipated for the General Fund relating to Business Rates that will impact upon the current year. This is mainly due to a lower uptake of Retail Relief than was previously anticipated. This is now thought to be a more prudent assumption given the mid-year actual position.

## Financial position analysed by Directorate - budget pressures (including budget savings)

Division of Service Area	FULL YEAR BUDGET			YEAR TO DATE				YEAR END Savings		
	Original Budget	M'ments	Revised Budget	Profiled Budget	Actuals	Variation to Date: Adverse / (Favourable)		Base Budget Pressures / (Savings)	Programme Actions not yet in place	Total
	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000	£'000	£'000
Adults with Mental Health Needs	15,716	57	15,773	7,764	8,758	994	13	(0)	0	(0)
Older Peoples Services	113,618	2,027	115,645	58,206	62,892	4,686	8	0	0	0
Persons with No Recourse to Public Funds	147	(4)	143	72	94	22	31	(2)	0	(2)
Adults with a Physical Disability	23,036	230	23,266	11,582	12,395	813	7	2,704	0	2,704
Service Strategy	9,432	(573)	8,859	3,361	2,202	(1,159)	(34)	(619)	0	(619)
Adults with a Learning Disability	94,718	(218)	94,500	47,123	49,534	2,411	5	(2,197)	6,919	4,722
Government Grant Income	0	0	0	0	0	0	0	0	0	0
Other Adult Services	6,363	30	6,393	3,046	6,184	3,139	103	(151)	0	(151)
Policy & Commissioning	33,255	(53)	33,202	16,277	15,457	(820)	(5)	(151)	0	(151)
Public Health	0	0	0	(10,008)	(10,008)	0	0	0	0	0
Education and Skills	66,569	(1,112)	65,457	42,184	45,376	3,193	8	588	268	856
Schools Delegated Budgets	(101,535)	(6,744)	(108,278)	(66,115)	(156,188)	(90,073)	(136)	439	0	439
Commissioning & Performance	33,166	(460)	32,706	15,631	16,601	970	6	256	0	256
Children With Complex Needs	90,037	(676)	89,361	44,139	43,606	(533)	(1)	(729)	0	(729)
Strategic Leadership & Improvement	2,988	(90)	2,898	1,449	1,144	(305)	(21)	77	0	77
Early Help&Childrens Soc Care	149,112	155	149,266	73,293	74,108	815	1	1,807	0	1,807
Business Support	17,130	84	17,214	13,077	14,349	1,272	10	(33)	0	(33)
Business Transformation	1,811	82	1,893	946	716	(231)	(24)	43	0	43
Accounting Adjustment/MRP Component of Contract Payments	(6,491)	0	(6,491)	0	0	0	0	0	0	0
<b>People Directorate Total</b>	<b>549,071</b>	<b>(7,265)</b>	<b>541,806</b>	<b>262,027</b>	<b>187,219</b>	<b>(74,808)</b>	<b>(29)</b>	<b>2,032</b>	<b>7,187</b>	<b>9,219</b>
Highways	57,672	27,363	85,035	40,530	34,675	(5,855)	(14)			0
Sports & Events	6,234	(2,297)	3,937	1,584	2,026	442	28	800	0	800
Community Development & Play	(182)	0	(182)	(91)	31	122	134	0	19	19
Fleet and Waste Management	37,948	19,372	57,320	15,905	17,928	2,023	13	3,800	700	4,500
Parks and Nature Conservation	17,544	(1,052)	16,492	8,900	8,407	(493)	(6)	0	0	0
Bereavement Services	(3,107)	(0)	(3,107)	(1,594)	(1,882)	(287)	(18)	0	0	0
Markets	(1,932)	(6)	(1,938)	(1,565)	(728)	837	53	0	1,000	1,000
Performance Management & Review	2,655	(136)	2,519	1,543	1,649	107	7	0	0	0
Equalities, Cohesion & Safety	1,400	100	1,500	928	1,146	218	23	0	0	0
Emergency Planning	411	64	475	225	204	(20)	(9)	0	0	0
Regulatory Services	3,942	456	4,398	2,425	3,753	1,328	55	480	100	580
Voluntary Advice Agency Funding	313	200	513	191	117	(74)	(39)	0	0	0
Birmingham Careers Service	1,295	90	1,385	720	1,045	325	45	0	160	160
Private Sector Housing	2,047	(776)	1,271	727	1,012	286	39	0	0	0
Central Support Costs	16,710	15	16,725	8,026	8,026	0	0	0	0	0
Sport & Leisure	7,818	2,411	10,229	5,328	6,788	1,460	27	0	0	0
Neighbourhood Advice	1,571	(2)	1,569	1,286	2,217	931	72	0	37	37
Libraries	5,593	(35)	5,559	2,546	3,264	717	28	0	0	0
Community Chest	0	518	518	518	110	(409)	(79)	0	0	0
School Crossing Patrols	881	0	881	423	484	61	14	200	0	200
Car Parks	(1,184)	62	(1,122)	(563)	(318)	245	43	0	0	0
Business Support	990	181	1,171	472	777	306	65	0	0	0
Former District Services - Other	49,430	(48,554)	876	70	527	457	653	(191)	(2)	(193)
Youth Service	3,003	250	3,253	1,686	1,210	(476)	(28)	0	0	0
Birmingham Adult Education	318	29	346	(1,039)	(1,631)	(592)	(57)	0	0	0
Use of Reserves & Balances	(1,893)	0	(1,893)	0	0	0	0	0	0	0
Accounting Adjustment/MRP Component of Contract Payments	(32,319)	0	(32,319)	0	0	0	0	0	0	0
<b>Place Directorate Total</b>	<b>177,158</b>	<b>(1,747)</b>	<b>175,411</b>	<b>89,180</b>	<b>90,837</b>	<b>1,656</b>	<b>2</b>	<b>5,089</b>	<b>2,014</b>	<b>7,103</b>

# Appendix 1

Division of Service Area								Savings		
	Original Budget £'000	M'ments £'000	Revised Budget £'000	Profiled Budget £'000	Actuals £'000	Variation to Date: Adverse / (Favourable)		Base Budget Pressures / (Savings) £'000	Programme Actions not yet in place £'000	Total £'000
Building Consultancy	1,165	0	1,165	582	3	(580)	(100)	0	0	0
Culture and Visitor Economy	42,461	819	43,281	23,995	23,435	(560)	(2)	0	0	0
Development Management Services	7,921	770	8,691	6,637	6,387	(250)	(4)	191	100	291
Planning & Regeneration	13,943	(9,088)	4,855	2,569	1,610	(958)	(37)	0	100	100
Transportation and Connectivity	51,570	840	52,410	26,177	27,965	1,788	7	100	841	941
Urban Design	(783)	0	(783)	(392)	1,164	1,555	397	250	0	250
Catering & Building Cleaning	12	(112)	(100)	0	117	117	0	225	0	225
Facilities Management	(680)	0	(680)	1,112	1,402	290	26	34	0	34
Shelfforce	(75)	0	(75)	(38)	143	180	479	0	0	0
Employment Services	885	4,000	4,885	1,891	1,289	(601)	(32)	0	0	0
City Finance	5,762	872	6,634	3,777	3,523	(254)	(7)	0	0	0
Corporate Strategy	788	3,554	4,342	1,922	3,582	1,660	86	808	125	933
Procurement	1,410	514	1,924	878	911	33	4	0	0	0
Birmingham Audit	2,305	200	2,505	1,109	456	(653)	(59)	0	0	0
Human Resources	8,196	620	8,816	3,369	4,264	895	27	0	0	0
Elections Office	1,830	0	1,830	820	911	91	11	0	0	0
Birmingham Property Services	5,624	(153)	5,471	6,196	4,996	(1,200)	(19)	0	100	100
Legal & Democratic Services	5,503	(25)	5,478	(1,467)	35	1,502	102	0	0	0
Revenues & Benefits Division	2,137	(619)	1,518	2,955	1,241	(1,714)	(58)	0	0	0
Shared Services Centre	2,396	148	2,544	1,204	979	(225)	(19)	0	0	0
NEC/ICC/NIA	0	0	0	0	0	0	0	0	0	0
Staff Seconded to Service Birmingham	0	0	0	0	0	0	0	0	0	0
Core ICT	(4,093)	1,107	(2,986)	14,542	20,090	5,548	38	0	0	0
Transformation Management	45,037	(956)	44,081	32,000	19,794	(12,206)	(38)	0	0	0
Charities & Trusts - Support	50	32	82	0	3	3	0	0	0	0
Interim HB Subsidy	0	0	0	0	0	0	0	0	0	0
CSC Recharges	(49,568)	0	(49,568)	(49,568)	(49,568)	0	0	0	0	0
Pension Contributions	516	0	516	516	474	(42)	(8)	0	0	0
Other Non Distributed Costs	11,162	0	11,162	11,162	11,162	0	0	0	0	0
Insurance	1,484	0	1,484	3,752	3,539	(213)	(6)	0	0	0
Unallocated Savings	0	0	0	0	0	0	0	0	0	0
Customer Services	8,706	(473)	8,233	5,506	5,907	401	7	50	0	50
Corporate Resources Other Services	3,600	(199)	3,400	540	110	(431)	(80)	0	50	50
Use of Reserves & Balances	(162)	0	(162)	0	0	0	0	0	0	0
Accounting Adjustment/MRP Component of Contract Payments	(2,625)	0	(2,625)	0	0	0	0	0	0	0
Business Loans & Other Investments	(758)	0	(758)	(379)	(1,083)	(704)	(186)	0	0	0
<b>Economy Directorate Total</b>	<b>165,717</b>	<b>1,852</b>	<b>167,569</b>	<b>101,366</b>	<b>94,837</b>	<b>(6,529)</b>	<b>(6)</b>	<b>1,658</b>	<b>1,316</b>	<b>2,974</b>
<b>Total Directorate Spending</b>	<b>891,946</b>	<b>(7,161)</b>	<b>884,785</b>	<b>452,573</b>	<b>372,893</b>	<b>(79,681)</b>	<b>(18)</b>	<b>8,779</b>	<b>10,517</b>	<b>19,296</b>
Policy Contingency	39,658	(7,174)	32,483	1,412	(555)	(1,967)	(139)	0	0	0
Other Corporate Items	(57,062)	14,335	(42,728)	(122,425)	(55,891)	66,533	(797)	0	0	0
<b>Centrally Held Total</b>	<b>(17,405)</b>	<b>7,160</b>	<b>(10,245)</b>	<b>(121,012)</b>	<b>(56,446)</b>	<b>64,566</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Budget Requirement</b>	<b>874,541</b>	<b>(0)</b>	<b>874,541</b>	<b>331,561</b>	<b>316,447</b>	<b>(15,114)</b>	<b>(5)</b>	<b>8,779</b>	<b>10,517</b>	<b>19,296</b>
Housing Revenue Account	0	0	0	(77,347)	(79,579)	(2,232)	(3)	0	0	0

Policy Contingency Month 6 Monitoring to 30th September 2015

	Original Budget 2015/16	Approvals / Adjustments in Voyager	Revised Budget 2015/16	Approvals / Allocations not yet in Voyager as at 30th September	Proposals awaiting approval at 30th September	Remaining Contingency if proposals approved
	£'000	£'000	£'000	£'000	£'000	£'000
Redundancy Costs	10,728	(2,441)	8,287			8,287
Car Park Closure Resources	350		350			350
Management Capacity for Change	1,000	(1,000)	0			0
Carbon Reduction	991		991			991
Superannuation- Pension Fund	250		250			250
Inflation Allowance	4,522		4,522			4,522
Highways Maintenance	500		500			500
Provision for unachievement of savings	10,000		10,000			10,000
Youth Strategy	1,000	(270)	730			730
Birmingham Jobs Fund	2,000	(2,000)	0			0
SEN Reform Grant	795	(795)	0			0
Business Charter for Social Responsibility	3,390		3,390			3,390
General Contingency	4,132	(113)	4,019	(64)	(42)	3,913
<b>Total Contingency</b>	<b>39,658</b>	<b>(6,619)</b>	<b>33,039</b>	<b>(64)</b>	<b>(42)</b>	<b>32,933</b>

## Savings Programme – Position at Month 6

Directorate	Description	Savings Target 2015/16 £000	Actions in place to fully achieve Savings £000	Actions in place to Achieve savings in year only £000	Actions in place but may be some risk to delivery £000	Actions not yet in place £000	Action not yet in place - last month £000
People	Adults - Business Transformation	7,384	1,707	1,715	0	3,962	2,683
	Further Reduction in Younger Adult Care Packages	2,966	2,966	0	0	0	0
	School Trading	1,000	0	1,000	0	0	0
	Expansion of Internal Services - Shared Lives	1,791	84	0	0	1,707	1,707
	Joint Adults and Children's approach to transitions	1,000	0	0	0	1,000	1,000
	Changes to Internal Services - Home Care Enablement	1,050	0	1,050	0	0	0
	Step 2: Supporting People – Older People	2,800	2,800	0	0	0	0
	Step 1: Public Health – Commissioning	1,250	1,250	0	0	0	0
	Step 2: Public Health – Decommissioning	5,895	5,895	0	0	0	0
	Previous Proposals to Reshape Services	1,663	1,663	0	0	0	0
	Assessment and Support Planning	5,468	5,468	0	0	0	0
	Specialist Care Service (internally delivered care services)	3,300	3,300	0	0	0	0
	Education Capital Financing	12,010	12,010	0	0	0	0
	Early Years	5,000	4,445	555	0	0	555
	Public Health	1,000	0	1,000	0	0	0
	Other initiatives each under £1m	4,164	2,872	774	0	518	518
People Total		57,741	44,460	6,094	0	7,187	6,463
Place	Highway Maintenance & Management Services (Private Finance Initiative)	1,500		1,500			
	Pest Control	1,300		1,200		100	1,300
	Use of Reserves	2,000	2,000				
	Community Chest	1,390	1,390				
	Markets	1,000				1,000	700
	Other initiatives each under £1m	14,010	10,903	1,910	283	914	2,514
Place Total		21,200	14,293	4,610	283	2,014	4,514
Economy	Library of Birmingham (including Mobile and Housebound Service)	1,350	1,350				
	Integrated Transport Authority Levy Review	2,868	2,868				
	Finance operating Model	2,000	1,785	215			
	HR Future Operating Model	1,800	1,450	350			
	Birmingham Property Services	2,380	2,380				
	Service Birmingham	6,800			6,800		
	Acceleration of Savings	1,500	1,500				
	Library of Birmingham/ Strategic Library Services	1,300	0	0	1,300	0	
	Other initiatives each under £1m	10,493	7,683	774	720	1,316	1,191
Economy Total		30,491	19,016	1,339	8,820	1,316	1,191
Corporate	Other initiatives each under £1m	823	823				
Corporate Total		823	823				
		110,255	78,592	12,043	9,103	10,517	12,168
Month 5		110,255	78,992	9,457	9,638	12,168	

## Summary 01/09/2015 – 30/09/2015

## Housing Benefit Age Analysis of Overpayments and Debts written-off under delegated authority by Revenues and Benefits Division

Detail	1996-2004/5	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/5	2015/6	Total	No of Debtors
Housing Benefit debts written off under delegated authority	-	7	16	-	34	883	1,328	2,927	12,394	20,282	58,915	21,337	118,123	273
<b>TOTAL</b>	-	7	16	-	34	883	1,328	2,927	12,394	20,282	58,915	21,337	118,123	273

## Housing Benefit Debt Size Analysis of Overpayments and Debts Written Off under Delegated Authority

Debt Size	Small		Medium		Large	Total	
Cases	>£1,000	Cases	£1,001-£5,000	Cases	£5,000-£25,000	Cases	
245	£49,277	25	£48,291	3	£20,555	273	£118,123

### Council Tax and Business Rates Debt Age Analysis of Overpayments and Debts written-off under delegated authority by Revenues and Benefits Division

Detail	1997-2005/6	2006/07	2007/08	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Total
Council tax written off under delegated authority	383,923	58,292	75,326	42,386	83,190	83,571	54,967	119,926	141,624	-	-	1,043,205
Business rates written off under delegated authority	421,672	-	-	-	-	-	-	-	-	-	-	421,672
<b>TOTAL</b>	<b>805,595</b>	<b>58,292</b>	<b>75,326</b>	<b>42,386</b>	<b>83,190</b>	<b>83,571</b>	<b>54,967</b>	<b>119,926</b>	<b>141,624</b>	<b>-</b>	<b>-</b>	<b>1,464,877</b>

Total number of council tax debts: 2699

Total number of business rates debts: 259

### Council Tax and Business Rates Debt Size Analysis of Overpayments and Debts written-off under delegated authority

Grouped by value	Small (<£1,000)		Medium (£1,000 - £5,000)		Large (>£5,000)		TOTAL	
	Value	Cases	Value	Cases	Value	Cases	Value	Cases
Council tax written off under delegated authority	444,318	1,198	557,662	296	41,225	7	1,043,205	1,501
Business rates written off under delegated authority	54,927	86	255,717	115	111,028	14	421,672	215
<b>TOTAL</b>	<b>499,245</b>	<b>1,284</b>	<b>813,379</b>	<b>411</b>	<b>152,253</b>	<b>21</b>	<b>1,464,877</b>	<b>1,716</b>



# September 2015 - Schedule of over £0.025m irrecoverable Housing Benefit and Business Rates recommended for write off

Supporting Information	Total Debt Outstanding (£)
<p><b>Liability Period(s)/Account Ref Number(s):</b> 07.11.2005 – 08.11.2009 (3100081513) for Invoice Dated 16.11.09</p> <p><b>Summary of debt recovery process:</b> The overpayment arose as a result of a number of investigations into an ineligible claim for Housing Benefit on the basis the claimant had no right to reside in the UK and consequently no right to public funds. This was identified by an allegation to Benefit Counter Fraud Team. The claim for Housing Benefit was paid incorrectly by the Benefit Service. The claim was cancelled and an overpayment was created for the above period and value. The overpayment decision was notified and the claimant exercised his right of appeal via a solicitor. The appeal was upheld on the basis the claimant's immigration status had not been fully verified and that the claimant had submitted a claim unaware they had no recourse to public funds. United Kingdom Border Agency did not send specific notifications that he had no recourse to public funds in a timely manner. The overpayment was classified as an official error. It was decided that the claimant could not have reasonably been expected to realise they were being overpaid and as such the overpayment is not recoverable under Housing Benefit Regulation 100(2).</p>	25,719.39
<p><b>Liability Period(s)/Account Ref Number(s):</b> Business rates due for the period 28/10/2011 to 08/02/2014 (6005106530)</p> <p><b>Summary of debt recovery process:</b> This property was brought into the rating list by the Valuation Office Agency on 25<sup>th</sup> October 2012 with an effective date of 1<sup>st</sup> April 2010, as a result of a merger of 2 other assessments. Those liable at these assessments had paid business rates up to the date the new assessment was created, and the matter was raised directly by the VOA following contact from the agents acting for the owner. The city council contacted the landlords to clarify who should be made liable for the new assessment. They initially provided the name of the company that had leased the premises from them, and a bill was issued to the leaseholder on 16<sup>th</sup> November 2012. However, they advised in March 2013 that they did not occupy these premises, which had been sub-let. A response was sent asking for a copy of the sub-lease confirming the occupation was by another company. A visit to the premises was carried out in April 2013, but there was inconclusive evidence to confirm their occupation. In June 2013 copies of invoices were provided by the leaseholder but this was not deemed to be sufficient evidence to amend liability. Finally in October 2013 satisfactory evidence was obtained to amend the liability into the name of the company.</p> <p>A bill was issued to the company on 18<sup>th</sup> October 2013. The statutory enforcement process was followed to recover the debt outstanding, which resulted in a liability order hearing on 19<sup>th</sup> March 2014 and the matter being referred to enforcement agents on 12<sup>th</sup> April 2014. They referred the debt back to the council on 5<sup>th</sup> June 2014 as the company had vacated their head office, and the matter was further investigated. The company remained active on Companies House, but their records did not show an alternative address and it could not be traced. Further checks confirmed that the company was dissolved on 17<sup>th</sup> February 2015. On that basis, there is no alternative but to write off this debt.</p>	68,645.23

Supporting Information	Total Debt Outstanding (£)
<p><b>Liability Period(s)/Account Ref Number(s):</b> Business Rates due for the period 21/10/2011 to 29/10/2013 (6004713539)</p> <p><b>Summary of debt recovery process:</b> This assessment was previously in the name of another company which went into liquidation. A new company was set up to trade at the premises, and a bill was sent on 22<sup>nd</sup> September 2011. Over £9,000 was paid between September 2011 and July 2012 when payment ceased. Recovery action was taken and a liability order was obtained in September 2012. The company contacted the office in early December to advise that due to financial difficulties the business had ceased trading on 30<sup>th</sup> November 2012 and the premises were unoccupied. The relevant 3-month unoccupied relief was awarded before the unoccupied charge was levied from 28<sup>th</sup> February 2013. The liability orders were passed to the enforcement agents in June and August 2013, but were returned uncollected due to the company having ceased trading in October 2013.</p> <p>A search of Companies House records carried out in November 2013 confirmed that the company had been dissolved on 29<sup>th</sup> October 2013. On that basis, there is no alternative but to write off this debt.</p>	27,777.60
<p><b>Liability Period(s)/Account Ref Number(s):</b> Business Rates due for the period 22/08/2008 to 4/03/2014 (6004524047, 6004524070 &amp; 6004524069)</p> <p><b>Summary of debt recovery process:</b> The assessments for this liability were created following a re-organisation of one previous assessment into three new ones by the Valuation Office Agency. The city council was notified of this amendment to the rating list in June 2009 which was effective from August 2008, but was not party to the revaluation and had no knowledge of who should be liable for the new assessments at the time. A visit was carried out to the premises in December 2009 as there had been no response to enquiry forms issued to the properties. The visit was successful in determining that this company was in occupation, and demand notices were issued on 18<sup>th</sup> December 2009. As payment was not made, liability orders were obtained on 14<sup>th</sup> April 2010 for the first period of charge. Further liability orders were granted subsequently for following years' liabilities. The enforcement agents returned the initial order as they had been unable to collect the debt and there were no goods on which a levy could be placed to clear the balance outstanding. Subsequent years' debts were returned for the same reason.</p> <p>Receivers were appointed under the Law of Property Act in July 2011 on the instruction of another creditor, and the assessments became unoccupied as of 18<sup>th</sup> September 2011, exemptions being applied from that date due to the entire premises being a listed building.</p> <p>The building was eventually sold in March 2014, but there was no excess equity from the sale for the business rates to be discharged. The company was finally dissolved on 19<sup>th</sup> May 2015, so there is no alternative other than to write off this debt.</p>	218,822.52

Supporting Information	Total Debt Outstanding (£)
<p><b>Liability Period(s)/Account Ref Number(s):</b> Business Rates due for the period 11/03/2013 to 28/10/2013 (6005023432)</p> <p><b>Summary of debt recovery process:</b> The city council established that this company occupied the premises from 11<sup>th</sup> March 2013 and a demand notice was issued on 26<sup>th</sup> April 2013. As payment was not made in accordance with the statutory instalments recovery action was taken, with reminder and final notices being issued on 16<sup>th</sup> June and 11<sup>th</sup> July 2013 respectively. A liability order was granted on 25<sup>th</sup> September 2013 which was passed to the enforcement agents in November 2013. When the enforcement agents visited the premises it was established that the company was no longer trading, and although the company was pursued at their registered office, the premises were closed. The account was therefore returned uncollected by the enforcement agents in January 2014.</p> <p>Subsequent enquiries made at Companies House confirmed that the company was dissolved on 4<sup>th</sup> February 2014, meaning that there is no alternative other than to write off this debt.</p>	99,397.61
<p><b>Liability Period(s)/Account Ref Number(s):</b> Business Rates due for the period 12/04/2012 to 3/03/2013 (6004896284)</p> <p><b>Summary of debt recovery process:</b> The previous occupier at this address was paying the business rates due, but in July 2012 they advised that another company had taken over the premises from 12<sup>th</sup> April 2012. A demand notice was issued following receipt of this information, on 27<sup>th</sup> July 2012. As payment was not made in accordance with the statutory monthly instalments, reminder and final notices were issued on 20<sup>th</sup> September 2012 and 16<sup>th</sup> October 2012 respectively. A liability order was obtained on 12<sup>th</sup> December 2012 and the debt was passed to the enforcement agents for collection in January 2013. The enforcement agents attended the premises but were unable to make any contact, so the account was returned to the Council in February 2013.</p> <p>Correspondence was received from the appointed liquidator in February advising that the company had gone into liquidation on 14<sup>th</sup> February 2013; this was confirmed with Companies House. A proof of debt was issued to the liquidator on 26<sup>th</sup> February 2013, but the Council were subsequently advised that the company had no assets and no dividend would be paid. In view of the above there is no possibility of any money being paid on this account and as a consequence of the liquidation there is no alternative other than to write off the debt.</p>	137,303.23

Supporting Information	Total Debt Outstanding (£)
<p><b>Liability Period(s)/Account Ref Number(s):</b>  Property 1 - Business rates due for the period 13<sup>th</sup> April 2010 to 9<sup>th</sup> December 2010 (6005387386) – (£16,075.91)  Property 2 - Business rates due for the period 13<sup>th</sup> April 2010 to 9<sup>th</sup> December 2010 (6005387342) – (£20,934.34)</p> <p><b>Summary of debt recovery process:</b>  There were originally assessments in the rating list for two individual units both occupied by this company between 13<sup>th</sup> April 2010 and 9<sup>th</sup> December 2010. On 22<sup>nd</sup> April 2010 the managing agents of the property wrote in and advised that the company had commenced occupation of the premises from 13<sup>th</sup> April 2010. On 24<sup>th</sup> May 2010 a bill was issued to the company which was sent to their registered office in Bournemouth. This was followed by a reminder notice on 17<sup>th</sup> August 2010, a final notice on 3<sup>rd</sup> September 2010 and then a summons on 24<sup>th</sup> November 2010. The case was placed into the hands of the Enforcement Agents in April 2011. Correspondence sent to the registered office was returned by the post office marked 'gone away'. The enforcement agent visited the actual business address on 16<sup>th</sup> May 2011 and found a new occupier at the premises who confirmed they had been there since 10<sup>th</sup> December 2010. On 24<sup>th</sup> May 2011 the new occupiers provided evidence to the enforcement agent that they had been there since 10<sup>th</sup> December 2010. On 16<sup>th</sup> June 2011 a check was made against Companies House records which confirmed that there was a proposal to strike off the company as it had ceased to trade. On 8<sup>th</sup> August 2011 a letter was sent to the director of the company asking for confirmation as to whether they had ceased to trade, and also asking if the company had any assets with which to settle the outstanding debt. No response was received. No further recovery action could be taken as the company was no longer at its business address or registered office and had ceased to trade.</p> <p>Subsequent to this, in November 2014 the Valuation Office Agency sent through an alteration to the rating list merging the two units into one, giving an effective date for the merger as 1<sup>st</sup> April 2010. By updating this alteration, the original accounts for this company on which all the action had been taken had to be deleted, as the assessments against which they had been billed did not exist in the rating list on the dates for which they had been charged. However, in April 2015 the VOA found that the date used for the merger was incorrect and sent through a further historical amendment which corrected the date of the merger to be effective from 31<sup>st</sup> May 2012. As a result, the charges to this company at the original assessment between 13<sup>th</sup> April 2010 and 9 December 2010 had to be reinstated, but this could only be done by raising new bills, which happened on 7<sup>th</sup> April 2015. These are the charges currently submitted for consideration and approval for write off. The company was actually dissolved on 27<sup>th</sup> September 2011 so there is no alternative other than to write off the debt.</p>	<p>37,010.25</p>

<b>Report to:</b>	<b>Cabinet</b>
<b>Report of:</b>	<b>Strategic Director for People</b>
<b>Date of Decision:</b>	<b>17th November 2015</b>
<b>SUBJECT:</b>	<b>TRANSPORT PROVISION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS, FOR VULNERABLE ADULTS AND FOR STAFF TAXIS (PO285) – PROCUREMENT STRATEGY</b>
<b>Key Decision: YES</b>	<b>Relevant Forward Plan Ref: 000291/2015</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s)</b>	<b>Councillor Brigid Jones – Children's Services Councillor Paulette Hamilton – Health &amp; Social Care Councillor Albert Bore – The Leader</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Susan Barnett: Education and Vulnerable Children Councillor Majid Mahmood - Health and Social Care Councillor Waseem Zaffar – Corporate Resources</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
<p>1.1 This public report provides details of the procurement strategy (see Appendix 1) for a Framework agreement for the transport of Children with Special Educational Needs, Vulnerable Adults attending Council Day Centres and for staff taxis. The strategy will enable the Council to incorporate initiatives developed by the services and the Future Council Programme. The Private agenda report contains confidential market information that informs the procurement strategy.</p>

<b>2. Decisions ( recommended):</b>
That Cabinet notes the content of this report.

<b>Lead Contact Officer(s):</b>	Simon Wellman, Head of Service, Special Educational Needs Assessment and Review  Carol Davies, Head of Service Day Care Mike Smith, Head of Corporate Commissioning
<b>E-mail address:</b>	<a href="mailto:simon.wellman@birningham.gov.uk">simon.wellman@birningham.gov.uk</a> 0121 303 0112 <a href="mailto:carol.davies@birminham.gov.uk">carol.davies@birminham.gov.uk</a> 0121 464 7758 <a href="mailto:mike.smith@birmingham.gov.uk">mike.smith@birmingham.gov.uk</a> 0121 303 3271

### 3. Consultation

#### 3.1 Internal

The following members and staff have been consulted in the development of this strategy document:

The Leader has been briefed on the commissioning approach and accepts that further work is required to commission this service and that a report will go to Cabinet in the future.

The Education Transport Manager, Education Transport Service has been consulted and agrees with the contents of this report.

The Service Manager Funerals & Protection of Property / Transport Operations, Adults and Communities Directorate has been consulted and agrees with the contents of this report.

Officers from Procurement, City Finance and Legal and Democratic Services have been involved in the preparation of this report.

#### 3.2 External

- A market day was held with Transport providers on 3<sup>rd</sup> August 2015. Information obtained from the market has been used to inform the procurement strategy for the services. Further bespoke consultation was undertaken with providers that are not on the current contracts.
- Consultation has taken place with the market on the length of the proposed Framework Agreement.
- There has been ongoing consultation with Schools by Home to School Transport regarding the contracts and how travel assistance could be provided differently with particular emphasis on pathways to independence where possible, for example Independent Travel Training and public transport. More formal consultation will be needed on these changes which will be detailed in the future Cabinet report described in 2.3 of the Private report.

N.B. Service users have not been consulted at this stage. This will be done by the individual services as part of the service commissioning and Future Council Programme and be included in the future commissioning report to Cabinet.

### 4. Compliance Issues:

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

This procurement strategy is consistent with the Council policies, plans and strategies; including the Council Business Plan 2015+:

A Fair City

- **Safety** – The Council has a duty to ensure transport arrangements are in place for Children with Special Educational Needs (SEN) and to provide free transport to eligible children based on safe walking routes and low income. Some children and

adults have needs that require specialist vehicles and escorts; this can be provided under the proposed contract.

- **Health and wellbeing** – Having escorts and pupil guides within the proposed contract will give greater resilience to delivering the Council's safeguarding responsibilities. The contract can be used by Adults to supplement their in-house transport service.
- **Children and young people** – Having access to appropriate travel assistance ensures every child is supported to attend school. Regular reviews of travel plans will support the development of independence where appropriate.
- **Tackling poverty** – Supporting educational attainment and independence helps to tackle the causes of deprivation and inequality through improving educational performance and confidence. Supporting families with caring responsibilities for vulnerable adults enables carers that are of working age to be in employment and have access to affordable day care for relatives.

#### A Prosperous City

- **Learning, skills and local employment** – A key focus of the transport provision is to ensure children have access to a full-time school placement and are attending school regularly.
- **Local employment** – Due to the nature of the work, the suppliers submitting tenders will be based locally.

#### 4.1.1 Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR will be a mandatory requirement for tenderers and will form part of the conditions of this contract. Prior to contract award, an action plan will be agreed with the recommended suppliers on how the charter principles will be implemented and monitored during the contract period.

Consideration of how the transport of Children with Special Educational Needs, Vulnerable Adults and Staff Taxis might improve the economic, social and environmental well-being of the city and whether to undertake any consultation were discussed at the planning stage. It was agreed not to conduct further consultation on the basis added social value will be achieved through compliance with the BBC4SR.

#### 4.2. Financial Implications

- 4.2.1 This is a procurement process for a framework agreement which does not commit the Council to a particular level of expenditure. The estimated maximum expenditure under the proposed contract is £12.3m (per annum). These costs will be funded by the relevant Directorates' approved budgets.
- 4.2.2 The framework enables directorates to make arrangements with contractors based on competitive prices.
- 4.2.3 The resources required to undertake the procurement exercise will be met from existing approved budgets.

#### 4.3 Legal Implications

##### 4.3.1 Transport Assistance is provided for:

- 1 Eligible children based on distance of offered school placement to home, based on a safe walking route in line with Council policy (Education Act 1996)
- 2 Eligible children based on low income in line with Council policy (Education Act 1996)
- 3 Eligible children based on Education Health Care Plan assessment in line with Council policy (Education Act 1996)
- 4 Adults attending Day Centres; this is an integral element of the Day Centre provision and although transport is not a statutory requirement it can be provided to facilitate attendance at Day Centres.

The existing transport contract (T23) is used to transport children in cohorts 1, 3 and 4 above and expires on 31<sup>st</sup> August 2016. The new transport contract needs to be in place by April 2016 for mobilisation by 1<sup>st</sup> September 2016 so that appropriate transport is available for children who qualify. Children in cohort 2 qualify for a bus pass.

##### 4.3.2 It is proposed to organise the framework into Lots (see 5.5.1) and includes the provision of escorts within lots 3 and 5. The purpose of including escorts within the contract is to provide flexibility in workforce planning for the service and to future-proof the service, as this workforce is difficult to recruit to and will need to respond to the changes in service delivery. There are no changes to the terms and conditions of staff employed by the Council and there are unlikely to be any TUPE implications as there is no intention to transfer existing staff as part of this arrangement. The use of externally provided escorts will only be in response to new routes, a shortfall in the provision of existing routes or as temporary relief to cover sickness absence. The provision of escorts may also be used to respond to a natural decrease in workforce with the implementation of alternative methods of travel assistance.

#### 4.4 Public Sector Equality Duty

- 4.4.1 An initial screening (**see Appendix 2**) was completed on 9<sup>th</sup> October 2015 for the recommended proposal and a full Equality Analysis is not required.
- 4.4.2 The recommendations in this report will not reduce the levels of service given to service users and will support the access to services that meet the assessed social care needs. Any changes to provision of assistance will be subject to the appropriate consultation process.
- 4.4.3 The transport framework agreement will supplement transport options for vulnerable adults attending Council Day Centres and will have a positive impact on the continuity of transport operations to Council run day centres city-wide.
- 4.4.4 Any changes to service delivery resulting from the Future Council Programme, application of the policy or application of the framework by the service, will be subject to the appropriate consultation process.



## 5. Relevant background/chronology of key events:

- 5.1 Transport is provided by the Council for Children with Special Educational Needs and to Vulnerable Adults attending Council Day Centres. Both Services use the current Transport Framework Agreement (T23) which expires on 31st August 2016. Replacement contracts must be in place by April 2016 for mobilisation by 1st September 2016, the next academic year. Although the current Framework Agreement expires in August 2016, one of the contracts on the framework is due to expire on 31<sup>st</sup> March 2017.
- 5.2 The T23 Transport Framework Agreement was formally extended until August 2016 by Cabinet on 29 June 2015 with instructions that the transport provision linked to the contract was commissioned. The Leader has been consulted, and agrees with this commissioned approach.
- 5.3 As the timeline for procuring the transport provision is before the outcomes of the Future Council work are known and therefore before the whole system commissioning approach is developed, the contract arrangements to be put in place now provide a short term solution.
- 5.4 The proposal is to procure the Framework Agreement for 2 years (plus the option to extend by 1 year). This will allow for changes from the Future Council Programme to take effect and will give clarity on the transport provision required in the medium to long term. The contracts within the framework can be let for a longer or shorter period than the framework and will be determined at the time of setting up the Call Off contract taking into account the requirements of the service and market impact.
- 5.5 See **Appendix 1** for the proposed procurement strategy for Transport Provision (P0285). A summary is below:
- 5.5.1 The framework agreement will be tendered by lots as follows:

Lot	Description
1a	Birmingham Wards/Constituencies (the provision of private hire and hackney carriage taxi services for use by Council officers)
1b	Birmingham Wards/Constituencies (the provision of private hire and hackney carriage taxi services to transport vulnerable people on behalf of the Council)
2	City Wide – Mini Buses (Private Hire and Public Service Vehicles (PSV's) including wheelchair accessible vehicles and 28/max 35 seated low floor wheelchair accessible buses (to convey children to and from school and adults to and from day centres) – WITHOUT Escort/Pupil Guides
3	City Wide – Mini Buses (Private Hire and Public Service Vehicles (PSV's) including wheelchair accessible vehicles and 28/max 35 seated low floor wheelchair accessible buses (to convey children to and from school and adults to and from day centres) – WITH Escort/Pupil Guides
4	Mini Bus and Coach Hire with Driver (for day trips etc)
5	Escorts/Pupil Guides ONLY

It will be a mandatory requirement that all providers under this framework submit a BC4SR action plan with their tender response which will be approved prior to award.

5.5.2 An EU open tender will be conducted to establish the framework;

**Indicative Implementation Plan**

Cabinet Approval (Strategy)	17th November 2015
OJEU Notice Issued	23 <sup>rd</sup> November 2015
Clarification Period	26 <sup>th</sup> November 2015 – 17 <sup>th</sup> December 2015
ITT Return Date	7 <sup>th</sup> January 2016
ITT Evaluations	8 <sup>th</sup> January 2016 – 29 <sup>th</sup> January 2016
Delegated Award	11 <sup>th</sup> March 2016
Framework Established	1 <sup>st</sup> April 2016
Mobilisation	1st April 2016 onwards

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

- 6.1 Procuring the contract for 5 years. This was considered too long in view of the Future Council work and the budget implications. We need to reduce spend in this timeframe and provide assistance that develops a pathway to independent living. It is understood that there are cohorts of service users who will be unable to move to more independent travel.
- 6.2 The development of a joint Commissioning & Procurement Strategy. This option was dismissed as we could not integrate the Future Council work due to the timelines or provide tangible ways for future commissioning within the services.
- 6.3 Procure the transport contract with identified improvements but no additional elements e.g. escorts / guides. This option was dismissed as the Home to School Transport requires this flexibility now and the Adults Transport Team may need this in the future.
- 6.4 Set up a project / change team with a senior project sponsor to develop and deliver the changes required. This change team would develop a consultation strategy and deliver initiatives already identified and fast track initiatives that will either deliver quick wins or substantial improvements including those with cost reduction/avoidance. This has not been implemented as the outcomes of the Future Council work are currently not available. This has potential once we have direction on the future of the services involved and potential community integration.

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

- 7.1 To inform the decision makers of the procurement strategy for Children with Special Educational Needs, Vulnerable Adults attending Council Day Centres and for staff taxis.

<b>Signatures</b>	<b><u>Date</u></b>
Councillor Albert Bore The Leader .....	.....
Councillor Paulette Hamilton Cabinet Member for Health and Social Care .....	.....
Councillor Brigid Jones Cabinet Member for Children's Services .....	.....
Peter Hay Strategic Director for People .....	.....

<b>List of Background Documents used to compile this Report:</b>			
Home to School Policy			
<b>List of Appendices accompanying this Report (if any):</b>			
1. Appendix 1 Proposed Procurement Strategy 2. Appendix 2 – EA Initial Screening			
<b>Report Version</b>	<b>V25</b>	<b>Dated</b>	<b>2 November 2015</b>

## **APPENDIX 1**

### **Procurement Strategy - Provision of Transport (P0285)**

#### **1. Procurement Approach**

##### **1.1 Contract Duration and Advertising Route**

1.1.1 The framework agreement duration will be for a period of two years with an option to extend of one year subject to satisfactory performance.

1.1.2 The tender opportunity will be advertised via [www.finditinbirmingham.com](http://www.finditinbirmingham.com), Contracts Finder and the Official Journal of the European Union (OJEU).

##### **1.2 Procurement Route**

The requirement will be tendered using the open tender route on the basis that, although the market is developed and competitive, the Council requires as many providers as possible that conform to the specification and quality standards. Following the restricted route with a two stage process would not assist with this outcome. Also, the market is primarily SMEs and social enterprises and carrying out a single stage tender process will lessen the administrative burden on these types or organisations.

##### **1.3 Scope and Specification**

1.3.1 The framework agreement will be tendered by lot as follows:

<b>Lot</b>	<b>Description</b>
1a	Birmingham Wards/Constituencies (the provision of private hire and hackney carriage taxi services for use by Council officers)
1b	Birmingham Wards/Constituencies (the provision of private hire and hackney carriage taxi services to transport vulnerable people on behalf of the Council)
2	City Wide – Mini Buses (Private Hire and Public Service Vehicles (PSV's) including wheelchair accessible vehicles and 28/max 35 seated low floor wheelchair accessible buses (to convey children to and from school and adults to and from day centres) – WITHOUT Escort/Pupil Guides
3	City Wide – Mini Buses (Private Hire and Public Service Vehicles (PSV's) including wheelchair accessible vehicles and 28/max 35 seated low floor wheelchair accessible buses (to convey children to and from school and adults to and from day centres) – WITH Escort/Pupil Guides
4	Mini Bus and Coach Hire with Driver (for day trips etc)
5	Escorts/Pupil Guides ONLY

1.3.2 Vehicles will need to meet the European emission standards and be required to be no older than 10 years.

1.4.3 It will be a mandatory requirement that all providers under this framework submit a BC4SR action plan with their tender response which will be approved prior to award.

## **1.4 Outline Specification**

1.4.1.Core requirements cover the following elements (further details will be provided to tenderers).

- Licences
  - Vehicle Design / Equipment
  - Additional Provisions for Transporting Children Compliance with Home to School Transport Code of Good Practice
  - Seating Capacity
  - Vehicles Carrying Wheelchair Passengers
  - Drivers, Disclosure and Barring Service certification
  - Training and Development of Drivers
  - Communication
  - Pupil Guides
  - Route Work Generally
  - Route Work for Children with Special Needs
  - Route Work for Adults with Learning Difficulties
  - Punctuality
  - Breakdowns
  - Complaints
  - Sub-contracting
  - Data Management
  - Key Performance Indicators
- The requirements for each Lot may vary but will include;
- Route details and timing constraints
  - Individual Special Schools (Whole School Providers)
  - Cancellations
  - Vehicle details such as Low Floor Wheelchair Accessible Buses Adults and Communities

### **Invitation to Tender (ITT) Stage**

## **1.5 Tender Structure (including Evaluation and Selection Criteria)**

The evaluation of tenders will be assessed as detailed below for each lot:

### **1.5.1 Assessment A**

**All lots will be assessed on the following criteria;**

- Section A – Information about the Applicants (Pass / Fail)
- Section B – Grounds For Mandatory Exclusion
- Section C – Grounds For Discretionary Exclusion Parts 1 & 2 (Pass / Fail)
- Section D – Economic and Financial Standing (Pass / Fail)
- Section E - Technical and Professional Ability (Pass / Fail)
- Section F – Environmental Management (Pass / Fail)
- Section G – Insurance (Pass / Fail)
- Section H – Compliance with Equalities Duty (Pass / Fail)
- Section I – Compliance with Health and Safety

- Section J – Compliance with BBC4SR (Pass / Fail)
- Section K – Declaration (Pass / Fail)

1.5.2 In addition each lot will have separate assessment criteria for quality (Assessment B), Social Value (Assessment C) and price (Assessment D). Those organisations that pass all sections of Assessment A will proceed to the next stage.

## 1.6 Structure of Lots

### **Lot 1a – Private Hire and Hackney Carriage Taxis for Council Staff**

### **Lot 1b – Private Hire and Hackney Carriage Taxis for Vulnerable People on Behalf of the Council**

#### **Assessment A (See 1.5.1)**

#### **Assessment B – Quality**

There is not a quality requirement for the evaluation of lots 1a and 1b as the organisation will have passed Assessment A and comply with the service specification.

#### **Assessment C Social Value (Weighting 10%)**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	20%
Buy Birmingham First		15%
Partners in Communities		15%
Good Employer		15%
Green and Sustainable		25%
Ethical Procurement		10%

Tenderers who score more than the social value threshold of 40% i.e. a score of 200 out of a maximum social value score of 500 will proceed to Assessment D – Pricing.

#### **Assessment D – Pricing (Weighting 90%)**

All the providers opting to be included in this lot will be required to submit pricing at this stage so there will be no need to re-open competition. The Council will select from a schedule of rates per mile choosing the provider to carry out services as and when required. This lot is being separated out to cater for the additional safeguarding required, including safety equipment, e.g. child safety seats.

Each provider will be asked to submit their schedule of rates per mile that will be fixed for the term of the contract.

#### **Allocation of Work**

Work will be allocated based on the ranking taking into account assessments C and D of the organisation achieved through the tender evaluation.

### **Lot 2 – City Wide Minibuses (Private Hire and Public Service Vehicles [PSV]) – WITHOUT Escort/Pupil Guides**

Responses at the tender stage for admission to the framework contract will be assessed on the following criteria :

### **Assessment A (See 1.5.1)**

### **Assessment B – Quality – Written Proposals (Weighting 90%)**

Providers will be evaluated for quality as specified below:

Criteria	Overall Weighting	Sub- Weighting
<b>Quality – Written Proposals (90% Weighting)</b>		
Technical Competence	<b>100%</b>	25%
Organisation and Staffing Proposals		25%
Environmental Considerations		25%
Customer Service		25%

Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 will proceed to Assessment C – Social Value.

### **Assessment C Social Value (Weighting 10%)**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	20%
Buy Birmingham First		15%
Partners in Communities		15%
Good Employer		15%
Green and Sustainable		25%
Ethical Procurement		10%

Tenderers who score more than the social value threshold of 40% i.e. a score of 200 out of a maximum social value score of 500 will proceed to Assessment D – Pricing.

### **Assessment D – Pricing (Maximum Price)**

Tenderers will be given example routes against which to tender a maximum price for admission to the framework.

### **Allocation of Work**

Competitions will be used to call off either individual routes or whole school provision from this lot. The assessments B and C will be used to determine the position of the provider on the framework. These may be done through e-auctions or a tender process depending on the needs of the council. This will include the following criteria

1. Capacity – pass/fail
2. Implementation / start-up proposals Contract performance – pass/fail
3. Framework position based on Quality and Social Value (20%)
  4. Price (80%)

### **Lot 3 – City Wide Minibuses (Private Hire and Public Service Vehicles [PSV]) WITH Escort/Pupil Guides**

Responses at the tender stage for admission to the framework contract will be assessed on the following criteria :

### **Assessment A (See 1.5.1)**

### **Assessment B – Quality – Written Proposals (Weighting 90%)**

Providers will be evaluated for quality as specified below:

Criteria	Overall Weighting	Sub- Weighting
<b>Quality – Written Proposals (90% Weighting)</b>		
Technical Competence	<b>100%</b>	25%
Organisation and Staffing Proposals		30%
Environmental Considerations		20%
Customer Service		25%

Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 will proceed to Assessment C – Social Value.

### **Assessment C Social Value (Weighting 10%)**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	20%
Buy Birmingham First		15%
Partners in Communities		15%
Good Employer		15%
Green and Sustainable		25%
Ethical Procurement		10%

Tenderers who score more than the social value threshold of 40% i.e. a score of 200 out of a maximum quality score of 500 will proceed to Assessment D – Pricing.

### **Assessment D – Pricing (Maximum Price)**

Tenderers will be given example routes against which to tender a maximum price for admission to the framework.

### **Allocation of Work**

Competitions will be used to call off either individual routes or whole school provision from this lot. The assessments B and C will be used to determine the position of the provider on the framework. These may be done through e-auctions or a tender process depending on the needs of the council. This will include the following criteria

1. Capacity – pass/fail
2. Implementation / start-up proposals Contract performance – pass/fail
3. Framework position based on Quality and Social Value (20%)
4. Price (80%)



## **Lot 4 – Mini Bus and Coach Hire with Driver**

### **Assessment A (See 1.5.1)**

### **Assessment B – Quality**

There is not a quality requirement for the evaluation of lot 4 as the organisations will have passed Assessment A and comply with the service specification.

### **Assessment C Social Value (Weighting 10%)**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	20%
Buy Birmingham First		15%
Partners in Communities		15%
Good Employer		15%
Green and Sustainable		25%
Ethical Procurement		10%

Tenderers who score more than the social value threshold of 40% i.e. a score of 200 out of a maximum quality score of 500 will proceed to Assessment D – Pricing.

### **Assessment D – Pricing (Weighting 90%)**

The companies included in this lot will be required to submit pricing as part of their tender submission. This will include a pricing schedule for both mini bus and coaches with driver.

### **Allocation of Work**

Any Directorate or School wishing to call off services against this lot may do so through direct award based on the ranking taking into account assessments C and D of the organisation achieved through the tender evaluation.

Note that this lot will be advertised to schools and the uptake is subject to them choosing to call off the framework.

## **Lot 5 – Escorts/Pupil Guides ONLY**

### **Assessment A (See 1.5.1)**

### **Assessment B – Quality – Written Proposals (Weighting 30%)**

Providers will be evaluated for quality as specified below:

Criteria	Overall Weighting	Sub- Weighting
Quality – Written Proposals (30% Weighting)		
Organisation and Staffing Proposals	100%	50%
Customer Service		50%

Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 will proceed to Assessment C – Social Value.

### **Assessment C Social Value (10%)**

Social Value Proposals	Overall Weighting	Sub-Weighting
Local Employment	<b>100%</b>	30%
Buy Birmingham First		15%
Partners in Communities		20%
Good Employer		15%
Green and Sustainable		10%
Ethical Procurement		10%

Tenderers who score more than the social value threshold of 40% i.e. a score of 200 out of a maximum quality score of 500 will proceed to Assessment D – Pricing.

### **Assessment D – Pricing (Weighting 60%)**

The companies included in this lot will be required to submit pricing based on an hourly rate for Escorts and Pupil Guides as part of their tender submission.

Organisations will be ranked based upon their quality, social value and price submissions combined.

### **Allocation of Work**

Organisations will be approached according to their rank on the framework in respect to providing guides for routes when required on a need basis.

## **1.7 Evaluation Team**

The evaluation of tenders will be undertaken by the following officers:

- Acting Education Transport Manager, People Directorate
- Service Manager, Funerals, Protection of Property and Transport Operations, People Directorate supported by Corporate Procurement Services

## **1.8 Risk**

The CPS approach is to follow the Council's Risk Management Methodology where the Procurement Team is responsible for risk management. The risk register for this project has been produced and is owned by CPS and the relevant Adult and Children team with arrangements being put in place to ensure that operational risks are mitigated.

### **Indicative Implementation Plan**

Cabinet Approval (Strategy)	17th November 2015
OJEU Notice Issued	23 <sup>rd</sup> November 2015
Clarification Period	26 <sup>th</sup> November 2015 – 17 <sup>th</sup> December 2015
ITT Return Date	7 <sup>th</sup> January 2016
ITT Evaluations	8 <sup>th</sup> January 2016 – 29 <sup>th</sup> January 2016
Delegated Award	11 <sup>th</sup> March 2016
Framework Established	1 <sup>st</sup> April 2016
Mobilisation	1st April 2016 onwards

## **1.9 Service Delivery Management**

### **Contract Management**

Individual call offs from the framework will be made in accordance with the above allocation of work methodologies and will be approved by the relevant Chief Officer.

Lots 1b, 2, 3 and 5 of the contract will be managed by the Education Transport Manager (Children) and the Service Manager – Funerals, Protection of Property and Transport Operations (Adults), People Directorate using the Council's Contract Management Toolkit with support from the Contract Management Team in Corporate Procurement Services as and when needed.

Lots 1a and 4 will be managed by the Contract Management Team in Corporate Procurement as these lots are not specific to the People Directorate and will likely have a separate cohort of providers. Lot 4 will be available to Schools and part of the Corporate Procurement Brokerage Service

Supplier meetings will be held quarterly with the providers. These meetings will give the contract managers the opportunity to provide updates and share learning.

## **2 Performance Monitoring**

Day to day performance of the contract will be measured through a set of key performance indicators (KPI's). These KPI's will include as a minimum:

- Vehicles running on time
- Pupils not being collected (this may be due to contractors not updating route sheets nor informing their drivers of changes)
- Submission of driver lists on time (used to cross reference against the Council's DBS database)
- Driver and Escort training (to ensure that all relevant refresher training is taken when due)
- Meeting deadlines for route sheets used during re-routing process (to ensure that re-routing is as accurate as it can be)
- Complaint handling (the contractors will be required to record and deal with complaints promptly and within specified timescales)
- Customer satisfaction (the contractors will be required to record and report customer satisfaction every 12 months the results of which to be reported the Contract Managers)
- Attendance at contract review meetings

## **3. The Market**

- There is capacity within the market to deliver the current vehicle/driver transport requirements.
- There are concerns that the providers of specialist vehicles could reduce in the future. Options to manage this will be in the procurement and contract management such as a clause that restricts the share of the market to a single provider or consideration of the market share at the award stage; this would be specified.
- The Council would benefit by having more providers of specialist vehicles in the market, however we need to have a clear strategy on the future of these services and funding to be in a position to engage effectively with the market.
- The market has expressed an interest and capability in providing pupil guides, one pilot

started in September 2015.

- The market has raised concerns about the Birmingham Living Wage and the Council has been clear that it would be included in future procurement. The Birmingham Living Wage was exempted in the extension of the existing framework in June 2015 as the original pricing structure and call-off contracts had not factored it into the tendering exercise or mini competitions.

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	PO285 Transport Framework Agreement (Pupil Guides)
<b>Directorate</b>	People
<b>Service Area</b>	Children With Complex Needs
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	Review of commissioning strategy for the procurement of pupil guides via the proposed T/23 Framework (Education Transport Service).
<b>Reference Number</b>	EA000889
<b>Task Group Manager</b>	Charles Ashton-Gray
<b>Task Group Member</b>	
<b>Senior Officer</b>	Daniella.Gilligan-King@birmingham.gov.uk
<b>Quality Control Officer</b>	<a href="mailto:charles.ashton-gray@birmingham.gov.uk">charles.ashton-gray@birmingham.gov.uk</a>

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

<p>What is the purpose of this Function and expected outcomes?</p>	<p><b>Aims:</b> The City Council Transport Framework Agreement will be used to procure a range of specialised home to school transport services for young people with Special Educational Needs. The Framework Agreement will provide a group of licensed transport providers who have been selected based on the quality of their service evidenced in their tenders. The length of the procurement process is reduced as the service quality will have been assessed in advance of contracts being called off. The framework will enable the Council to provide transport services which are safe, reliable and timely and competitive. The framework agreement will contribute towards the City Councils key priority to safeguard vulnerable children and adults and will support the Councils budget savings plan.</p> <p><b>Objectives:</b> The City Council must achieve efficiencies whilst ensuring the most vulnerable young people in our society are kept safe whilst the Education Act 1996 (Section 508B) places a duty on Local Authorities to make travel arrangements for eligible children in their area. The Framework will enable contracts to be procured for the provision of specialised vehicles to provide home to school transport for pupils with special educational needs. Operators will be external private hire/public service licensed operators who will provide a variety of vehicles including cars/cabs/minibuses and wheelchair accessible vehicles.</p> <p>It is proposed to organise the framework into Lots that includes the provision of escorts within lots 3 and 5. The purpose of including escorts within the contract is to provide flexibility in workforce planning for the service and to future-proof the service, as this workforce is difficult to recruit to and will need to respond to the changes in service delivery. There are no changes to the terms and conditions of staff employed by the Council and there are unlikely to be any TUPE implications as the provision will be used to respond to a natural decrease in workforce and reduce the need for redundancies with the implementation of alternative methods of travel assistance.</p> <p><b>Outcomes:</b> The framework agreement will provide a wide range of transport providers who can be used to enable young people with special educational needs to access learning at an Educational establishment. It will ensure contracts are tendered fairly to all areas of the community. The evaluation of tenders will take into account transport operators compliance and commitment to equal opportunities of employment as well as ensuring services provided adequately meet pupils needs. The framework will aim to measure the performance of transport operators and use day to day experience to improve future contract specifications. This is measured in the annual customer survey.</p>
--	--

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

Public Service Excellence	Yes
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	Yes

## **2.2 Individuals affected by the policy**

Will the policy have an impact on service users/stakeholders?	No
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	No

## **2.3 Analysis on Initial Assessment**

The City Council will be able to continue to provide home to school transport assistance for pupils resident within the Birmingham area with special educational needs. Services will enable them to attend special schools, specialist units, and mainstream schools as well as respite care provision. The range of vehicle types required including cars, cabs, minibuses and wheelchair accessible vehicles across 190 school term time days or as required. Trips may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis. It has the specific objective of increasing equality of opportunity for all vulnerable children and adults that live in the Birmingham area.

The renewal of the Framework Agreement will continue to provide the additional transport services to enable pupils with special educational needs to attend school. It will therefore not change the services currently being provided and there is no potential adverse impact. The framework enables appropriate contract specifications to be managed and maintained. Feedback from service users is already obtained as follows and demonstrates a high level of satisfaction.

The renewal of the Framework Agreement will also allow for the provision of pupil guides as part of the commissioning process. In such cases as and when required pupil guides may form part of the transport provision and therefore be provided by external suppliers within the conditions of the Framework Agreement.

At present the Escort Liaison Service manage the allocation of 500+ pupil guides to home to school transport routes operated under the terms and conditions of the current T23 Framework. Since September 2015 a pilot exercise has been implemented in which an external contractor (WMSNT) has agreed to supply 8 pupil guides in addition to the 8 service vehicles and 8 drivers that had previously formed part of the commissioned service.

The workforce of pupil guides is predominantly female (approximately 90%) and is aged between 20-70 years with approximately 60% of the workforce being over 50 years of age.

The success of this pilot exercise will inform any future commissioning models that include the supply of pupil guides by external contractors that tender for work under the future Framework Agreement (from September 2016).

The purpose of including escorts within the contract is to provide flexibility in workforce planning for the service and to future-proof the service, as this workforce is difficult to recruit to and will need to respond to the changes in service delivery. There are no changes to the terms and conditions of staff employed by the Council and there are unlikely to be any TUPE implications as the provision will be used to respond to a natural decrease in workforce and reduce the need for redundancies with the implementation of alternative methods of travel assistance.

### **3 Concluding Statement on Full Assessment**

Statutory legislation specifies the duty upon the Local Authority to consider what is necessary to ensure pupils can attend school. The ability to use the framework enables the Authority to ensure the appropriate type of vehicle/driver can be provided.

The service is designed to impact positively on those who require assistance with specialised transport services contracted under the City Council Transport Framework. No negative impacts are identified for those who qualify for assistance under the service. Access to the services for those pupils who require assistance has not changed under this framework. Scope for additional providers would increase provision of suitable vehicles at more competitive prices.

The Framework Agreement will provide a wide range of transport providers who can be used to enable young people with special educational needs to access learning at an Educational establishment. It will ensure contracts are tendered fairly to all areas of the community. The evaluation of tenders will take into account transport operators compliance and commitment to equal opportunities of employment as well as ensuring services provided adequately meet pupils needs. The framework will aim to measure the performance of transport operators and use day to day experience to improve future contract specifications. This is measured in the annual customer survey.

The proposal within the future Framework Agreement regarding the supply of pupil guides by external contractors does not consider TUPE. This change to current commissioning, where applied, will rely on the natural attrition rates of the pupil guide workforce and the current gap in the workforce that potentially effects supply to the service user.

Advice regarding this change in commissioning arrangements has been sought from the City Council's Human Resource Service and Legal Services. Both services have agreed that consultancy with the existing workforce of pupil guides is not necessary in-light of this proposed commissioning arrangement. However, advice has been consistent in that 'conversations' need to take place between management, pupil guides and their trade union representatives in order to clarify the City Council's position. In addition, other stakeholders including SEN and mainstream head teachers and management within SENAR will be informed of this proposed commissioning arrangement.

### **4 Review Date**

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.



## BIRMINGHAM CITY COUNCIL

PUBLIC

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Acting Strategic Director of Place</b>
<b>Date of Decision:</b>	<b>17 November 2015</b>
<b>SUBJECT:</b>	<b>SUSTAINABLE DRAINAGE</b>
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000320/2015</b>
<b>If not in the Forward Plan: (please "X" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s)</b>	<b>Councillor Tahir Ali – Development, Transport and the Economy</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Victoria Quinn – Economy, Skills and Sustainability</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
1.1 To outline changes to national policy in relation to sustainable urban drainage systems (SuDS).
1.2 To outline the work undertaken by the Lead Local Flood Authority (LLFA) and Planning and Regeneration in response to the policy changes.
1.3 To seek approval to publish the Sustainable Drainage: Guide to Design, Adoption and Maintenance.

<b>2. Decision(s) recommended:</b>
That Cabinet -
2.1 Notes the national policy changes in relation to sustainable drainage systems.
2.2 Notes the work undertaken by the LLFA and Planning and Regeneration in response to the change.
2.3 Approves the publication of the Sustainable Drainage: Guide to Design, Adoption and Maintenance.

<b>Lead Contact Officer(s):</b>	
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### **3. Consultation**

#### **3.1 Internal**

The Deputy Leader, Cabinet Member for Sustainability, the Cabinet Member for Neighbourhood Management and Homes, the O&S Chairman for Economy, Skills and Sustainability, and the O&S Chairman for Neighbourhood and Community Services have been consulted and have not raised any issues. Finance and Legal Services officers have been involved in the compilation of this report. Extensive consultation has been undertaken with officers from Planning & Regeneration, Highways, Transportation, Ecology, Landscape Practice, Leisure and Birmingham Municipal Housing Trust, the responses to this consultation have been incorporated into the Sustainable Drainage: Guide to Design, Adoption and Maintenance

#### **3.2 External**

The Environment Agency and Severn Trent Water have been fully engaged in the preparation of the Sustainable Drainage: Guide to Design, Adoption and Maintenance. Consultation has been undertaken with the Birmingham Social Housing Partnership.

### **4. Compliance Issues:**

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

This work contributes to the following of the Council's Strategic Outcomes of the Leaders Policy Statement 2015:

- A Fair City
- A Prosperous City

The Sustainable Drainage: Guide to Design, Adoption and Maintenance is consistent with the above policies including the Council Business Plan and, Budget 2015, which includes the key priority of 'a smart, green and sustainable city'. The Sustainable Drainage Guide to Design, Adoption and Maintenance provides support to developers, designers, planners and prospective sustainable drainage system (SuDS) owners and maintainer's to ensure that systems are successfully implemented on new developments. Well-designed SuDS provide effective surface water drainage, reduce flooding impacts, improve water quality and provide amenity, recreation and wildlife benefits.

#### **4.2 Financial Implications (Will decisions be carried out within existing finance and Resources?)**

The development of the Sustainable Drainage: Guide to Design, Adoption and Maintenance has been fully funded by a Sustainable Drainage Grant of £48,700 from Defra (Department for Environment Food and Rural Affairs). A further grant of £81,604 has been provided by Defra for 2015/16 to cover further development and the LLFA's role as a statutory consultee.

#### 4.3 Legal Implications

In April 2015, government strengthened existing planning policy by making SuDS a key consideration for major development. Local planning policies and decisions on applications in relation to major development are now required to ensure that SuDS for the management of run-off are put in place unless demonstrated to be inappropriate and that the SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate. The Council is the Lead Local Flood Authority under the Flood and Water Management Act 2010. In March 2015, the Government laid a statutory instrument making the LLFA a statutory consultee on matters in relation to surface water.

#### 4.4 Public Sector Equality Duty

An Equality Analysis has been undertaken for the Sustainable Drainage: Guide to Design, Adoption and Maintenance and no adverse impacts have been identified, this is attached as Appendix 2.

### **5. Relevant background/chronology of key events:**

- 5.1 Sustainable Drainage is an approach to managing drainage in and around properties and other developments. SuDS work by slowing and holding back the water that runs off from a site, reducing flood risk, allowing natural processes to break down pollutants and providing amenity value. They provide an alternative to the traditional method of channelling water through networks of pipes and sewers.
- 5.2 In December 2014, the government announce that existing planning policy would be strengthened by making SuDS a material consideration for major development (10 dwellings or more; or equivalent non-residential or mixed development). As of 6<sup>th</sup> April 2015, Local planning policies and decisions on applications in relation to major development are now required to ensure that SuDS for the management of run-off are put in place unless demonstrated to be inappropriate and that the SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate.
- 5.3 From 15<sup>th</sup> April, the LLFA became a statutory consultee for all major planning applications with surface water drainage implications.
- 5.4 Since January 2015, the Drainage and Resilience team, in their role as LLFA have been working closely with Planning & Regeneration to prepare for the changes. Over the past 4 months we have:
- Held a workshop for all services affected to highlight the changes and understand the implications for their service
  - Worked closely with Planning & Regeneration colleagues to update the registration manual, validation criteria and planning conditions
  - Worked with Planning & Regeneration to ensure systems are in place to allow the LLFA to comment on applications and that the drainage team is trained.
  - Ran 3 capacity building workshops for Planning & Regeneration colleagues to highlight the changes and ensure that they understand their new role
  - Worked with Environment Agency and Severn Trent to ensure that all our approaches to the change are complimentary
  - Developed the sustainable drainage guidance document

5.5 The Sustainable Drainage: Guide to Design, Adoption and Maintenance has been drafted to provide detailed guidance to support the implementation of SuDS in future development in Birmingham, the policy steer is from the changes to the planning system and legislation. The guidance puts a particular emphasis on the local requirements for SuDS on all major development.

5.6 The specific objectives of this draft guidance are to:

- Enhance understanding of national and local requirements of SuDS
- Explain the principles and benefits of SuDS and the role these play in Birmingham
- Provide detailed guidance on the local requirements placed on developers
- Provide technical guidance with regard to specific SuDS features and associated landscaping, planting and ecology
- Provide guidance on the operation & maintenance requirements and adoption process

A draft version is currently available on the Councils website as an interim measure pending approval. Amendments will be made from time to time and a version control maintained.

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

6.1 The only alternative option is to not proceed with the publication of the Sustainable Drainage Guide to Design, Adoption and Maintenance. This is not an option as it forms an essential guide to developers, setting out Birmingham City Councils expectations in relation to SuDS. Failure to publish will result in unnecessary and elevated levels of inquiries to Planning and Regeneration and the LLFA requiring greater levels of resourcing.

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

7.1 To approve the Sustainable Drainage Guide to Design, Adoption and Maintenance to support to developers, designers, planners and prospective sustainable drainage system (SuDS) owners and maintainer's to ensure that systems are successfully implemented on new developments.

### **Signatures**

### **Date**

Cabinet Member

.....  
Cllr Tahir Ali - Development, Transport and the Economy

.....

Chief Officer

.....  
Jacqui Kennedy, Acting Strategic Director of Place

.....

<b>List of Background Documents used to compile this Report:</b>

<b>List of Appendices accompanying this Report (if any):</b>
1. Sustainable Drainage: Guide to Design, Adoption and Maintenance
2. Equality Analysis Initial Screening



<b>Dated</b>	16th September 2015
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# Birmingham City Council

## Sustainable Drainage: Guide to Design, Adoption and Maintenance

June 2015



ARUP

**This publication has been produced by:**

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**Images:**

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This document has been developed by Birmingham City Council and Arup for the purpose of providing guidance to all persons involved in the design, construction, operation and future maintenance of all SuDS features within Birmingham City Council jurisdiction.

Birmingham City Council and Arup accept no liability for any costs, liabilities or losses arising as a result of the use of or reliance upon the contents of this guidance.

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1	June 2015	FINAL REV 01	Alison Caldwell	Faye Beaman	Kerry Whitehouse	Clive Wright

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# Foreword

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I am pleased to be launching this version of the Birmingham City Council, Sustainable Drainage: Guide to Design, Adoption & Maintenance. This document is a significant step towards a more resilient approach to water management for Birmingham.

Birmingham is a thriving city, with an expected population growth of over 150,000 by 2031, which will result in increased pressure on our land resources. We recognise that this will place additional stress on our aging infrastructure, particularly our watercourses and surface water assets.



Recent significant changes to legislation surrounding Sustainable Drainage Systems (SuDS) include the expectation that SuDS will be implemented on all major development, with provision for operation and maintenance of SuDS features for the lifetime of development. SuDS will be realized through the planning process, with technical support from the Lead Local Flood Authority (LLFA).

The most significant change is the transfer of responsibility for surface water management from the Environment Agency to the LLFA, resulting in the LLFA undertaking assessment of the impacts of development on surface water, working in partnership with Severn Trent Water to align a unified approach within Birmingham.

I am most impressed with the embracing attitude to SuDS across all stakeholders, uniting in agreement that SuDS present a great opportunity to enhance the resilience of Birmingham. This approach responds to changes in climate and the need to manage the pressures between the city's watercourses, ground conditions and our urbanised environment.

This guide aims to provide support to all involved in the design, construction, operation and future maintenance of SuDS, including designers, planners, prospective owners and maintainers, developers and others. It targets the proactive management of surface water through the use of SuDS, thereby transforming water into an asset; provides tailored, local guidance with supporting maps; and clearly outlines the expectations and requirements of development in Birmingham.

It is for this reason Birmingham City Council is adopting this Sustainable Drainage: Guide to Design, Adoption & Maintenance, within which we aim to proactively manage surface water, enhance water quality and provide additional amenity space and biodiversity value across the city.

***Councillor Tahir Ali***

***Cabinet Member for Development, Transport and the Economy***

***Birmingham City Council***

# List of Abbreviations

BDP	Birmingham Development Plan
BGS	British Geological Society
BRE	Building Research Establishment
BS	British Standard
CAA	Civil Aviation Authority
CDM	Construction, Design and Management
DCLG	Department of Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EIA	Environmental Impact Assessment
EU	European Union
F&WMA	The Flood and Water Management Act
GLSP	Green Living Spaces Plan
LFRMS	Local Flood Risk Management Strategy
LHA	Local Highways Authority
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
SFRA	Strategic Flood Risk Assessment
SPZ	Source Protection Zone
STW	Severn Trent Water
SuDS	Sustainable drainage systems
SWMP	Surface Water Management Plan
VPHC	Victoria Park Health Centre
WFD	Water Framework Directive

# Introduction

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As the Lead Local Flood Authority (LLFA) and Local Planning Authority (LPA), Birmingham City Council have provided this guidance to support the efficient planning, design and delivery of Sustainable Drainage Systems (SuDS) on all developments within Birmingham

Since April 6<sup>th</sup> 2015, all major developments should '*ensure that sustainable drainage systems for the management of runoff are put in place.*<sup>1</sup>' Major developments are defined within 'The Town and Country Planning Order 2015<sup>2</sup>', and may be summarised as the following:

- 10 or more dwellings are to be provided;
- Number of dwellings is unknown and the site area is 0.5ha or more;
- Provision of floor space created by the development is 1,000m<sup>2</sup> or more;
- Development site area is 1ha or more;
- Development associated with the working of minerals or the use of land for mineral-working deposits; or
- Waste development.

The guide aims to identify and provide support in local situations and clarify the information sought by the LPA, having regard to the nature and scale of the development.

The guide is structured around the non-statutory technical standards for SuDS<sup>3</sup> in conjunction with the National Planning Policy Framework and practice guidance<sup>4</sup>, with local requirements to meet local policy identified.

It is a living document and will be updated periodically as the council's and key stakeholder experience evolves.

## Guide Users

This guide is to be used by all involved in the design, construction, operation and future maintenance of SuDS for guidance on the implementation of SuDS specific to Birmingham. This includes developers, designers, planners, prospective SuDS owners & maintainers and others involved in the planning and design of the built environment in Birmingham.

The LLFA and LPA expects this guidance to be used for all types of residential, commercial and industrial development.

***A Sustainable Drainage Assessment and a Sustainable Drainage Operation and Maintenance Plan will be required for all major development in Birmingham.***

***Whilst these documents are required for major developments only, Birmingham City Council, advocate the consideration of SuDS on all developments.***

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1

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

2

[http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi20150595\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi20150595_en.pdf)

3

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

4

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

# 1.0 LEGISLATION & KEY STAKEHOLDERS

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# Legislative Drivers

The following sections provide an overview of current legislation driving surface water management.

## National Legislation

### *The Flood and Water Management Act 2010<sup>5</sup>*

The Flood and Water Management Act 2010 (F&WMA) was introduced to address the concerns and recommendations raised in the Pitt Review (2007)<sup>6</sup>. The Act imposes many duties on all upper tier councils, such as Birmingham City Council as the LLFA, including coordinating local flood risk management within its area, including smaller 'ordinary' watercourses, surface and ground water.

Some of the F&WMA has not been implemented, including Schedule 3. This would have required LLFAs to determine applications for drainage systems against national standards and then adopt those SuDS serving more than one property.

### *National Planning Policy*

In December 2014, the government announced<sup>7</sup> that from 6<sup>th</sup> April 2015 they will strengthen existing planning policy by also making SuDS a material consideration for major development.

*'Local planning policies and decisions on planning applications relating to major development<sup>8</sup> are to ensure that sustainable drainage systems for the management of*

*run-off are put in place, unless demonstrated to be inappropriate.*

*The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.<sup>9</sup>*

The National Planning Policy Framework (NPPF) sets out the expectation that new development is sustainable and requires that LPAs should avoid flood risk to people and property and should manage any residual risk. The NPPF states that *"when determining planning applications, development [must be] appropriately flood resilient and resistant"*.

Paragraph 103 states that all new developments in areas at risk of flooding should give priority to the use of sustainable drainage systems.

The NPPF also sets out other key priorities for planning to address including climate change, water quality and biodiversity – all challenges that SuDS help to address.

Planning practice guidance supports the use of SuDS. It emphasises that generally the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable, with infiltration to the ground the most preferred and connection to a combined sewer the least.

In March 2015, the Government laid a statutory instrument<sup>10</sup> making the LLFA a statutory consultee by adding the

<sup>5</sup>  
<http://www.legislation.gov.uk/ukpga/2010/29/contents>

<sup>6</sup>  
[http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final\\_report.html](http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/pittreview/thepittreview/final_report.html)

<sup>7</sup>  
<https://www.gov.uk/government/speeches/sustainable-drainage-systems-drainage-systems>

<sup>8</sup> Developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in

Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

<sup>9</sup>  
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HWS161/>

<sup>10</sup>  
[http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi20150595\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi20150595_en.pdf)



consultation requirement to Schedule 4 of the Development Management Procedure Order. This will come into effect from 15 April 2015.

#### *Non-Statutory Technical Standards for Sustainable Drainage<sup>11</sup>*

The technical standards provided by government relate to the design, construction, operation and maintenance of SuDS and have been published as guidance for those designing schemes.

#### *National Flood and Coastal Erosion Risk Management Strategy for England<sup>12</sup>*

The national strategy produced by the Environment Agency (EA) in 2011 identified SuDS as being of significant importance in mitigating the potential impacts of flood risk and in helping to provide multiple benefits within catchments.

The national strategy specifically recommends '*Using SuDS in new developments and redevelopments to manage surface water flood risk.*' And '*Use of public space and the multifunctional use of open space could be considered as part of preparing local flood risk management strategies to reduce the potential land take from SuDS for new developments.*'

#### *Water Framework Directive<sup>13</sup>*

The Water Framework Directive – 2000/60/EC (WFD) is European Union (EU) legislation that was enacted into UK law in December 2003. The legislation requires the UK to make plans to protect and improve the water environment, and applies to all surface freshwater bodies, including lakes, streams, rivers and canals; transitional bodies such as estuaries; groundwater; and coastal waters.

The WFD provides an opportunity to plan and deliver a better water environment, focussing on ecology, through river basin management planning.

A significant contributor of the pollution is '*diffuse*' pollution i.e. pollution that runs off large areas. In many cases, SuDS can be an effective means to reduce this type of pollution and can therefore help to meet the WFD requirements.

#### *Biodiversity<sup>14</sup>*

Local authorities have a duty to have regard to the conservation of biodiversity in exercising their functions. This duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. The duty affects all public authorities and aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.

<sup>11</sup> <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

<sup>12</sup> <https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england>

<sup>13</sup> [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

<sup>14</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69311/pb12585-pa-guid-english-070516.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69311/pb12585-pa-guid-english-070516.pdf)

## Local Policies and Supporting Evidence

There are a number of local policies and evidence that support the implementation of SuDS, flood risk management and green infrastructure in Birmingham.

### *(Emerging) Local Flood Risk Management Strategy (LFRMS)*

Birmingham City Council, as the LLFA, is required to develop a local strategy for management of flood risk in its area, aligning with the national strategy. The emerging strategy sets out the objectives and vision for managing flood risks in the city, and how Birmingham City Council seek to work with the community and partner authorities. The strategy encourages and promotes investment in flood risk management with additional benefits. SuDS play a significant role in achieving many of the objectives.

### *Strategic Flood Risk Assessment (SFRA)<sup>15</sup>*

In 2012, SFRAs Level 1 & 2<sup>16</sup> were completed in accordance with the NPPF, to inform Birmingham City Council of the nature and extent of flood risk in the area. These SFRAs aim to provide clear guidance on appropriate risk management measures for adoption on potential sites within areas at risk of flooding, primarily focussed on those sites found in Flood Zones 2 and 3 (fluvial flood zones provided by the EA).

The Level 1 SFRA (April 2012) for Birmingham assesses and maps known sources of flood risk, including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions,

and to allows Birmingham City Council to locate future development primarily in low flood risk areas. The Level 2 SFRA (April 2012) facilitates application of the Sequential and Exception Tests to specific sites.

### *(Emerging) Surface Water Management Plan*

The emerging Surface Water Management Plan (SWMP) identifies a SuDS strategy as a key catchment-wide action for Birmingham. SuDS for new developments and retro-fitting for existing developments has been identified as a key measure in managing the surface water flood risk.

### *(Emerging) Birmingham Development Plan 2031*

Birmingham has a vision to be '*renowned as an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness.*<sup>17</sup>

*The City's population is projected to grow by an additional 150,000 people over the period to 2031 which will require a response that ensures the homes are provided, the jobs are created and the quality of environment secured for both residents and businesses. Tackling this will need an innovative and far sighted approach.*<sup>18</sup>

The emerging Birmingham Development Plan (BDP) sets out the statutory framework to guide decisions on development and regeneration in Birmingham up to 2031. Within the emerging plan, there are several policies of relevance for SuDS.

<sup>15</sup>

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&chilpagemame=Development-Planning%2FPageLayout&cid=1223418817006&page name=BCC%2FCommon%2FWrapper%2FWrapper>

<sup>16</sup>

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&chilpagemame=Development->

[Planning%2FPageLayout&cid=1223418817006&page name=BCC%2FCommon%2FWrapper%2FWrapper](http://www.birmingham.gov.uk/cs/Satellite?c=Page&chilpagemame=Development-Planning%2FPageLayout&cid=1223418817006&page name=BCC%2FCommon%2FWrapper%2FWrapper)

[http://consult.birmingham.gov.uk/portal/ps/bp/birmingham\\_plan\\_2013?pointId=d686774e581](http://consult.birmingham.gov.uk/portal/ps/bp/birmingham_plan_2013?pointId=d686774e581)

[http://consult.birmingham.gov.uk/portal/ps/bp/birmingham\\_plan\\_2013?pointId=2720715](http://consult.birmingham.gov.uk/portal/ps/bp/birmingham_plan_2013?pointId=2720715)

Policy TP6<sup>19</sup> focuses on the management of flood risk identifying that it is *'essential that future development is planned appropriately.'*

*'To minimise flood risk, improve water quality and enhance biodiversity and amenity all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS).*

*Wherever possible the natural drainage of surface water from new developments into the ground will be preferred. Where ground conditions are not suitable for infiltration, then expected and direct flows into sewers and watercourses will be controlled in order to lessen the impact of flash floods and decrease the risk of flooding.*

*All SuDS must protect and enhance water quality by reducing the risk of diffuse pollution by means of treating at source and including multiple treatment trains.*

*All SuDS schemes should be designed in accordance with any relevant national standards and the long-term maintenance arrangements must be agreed.'*

Policy TP7<sup>20</sup> notes that *'New developments will be expected to address green infrastructure issues in an integrated way and to take advantage of new opportunities such as green and brown roofs.'*

Policy PG3<sup>21</sup> states that *'New development should... [amongst other things] Ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term. [and] Take opportunities to make sustainable design integral to development, such as green infrastructure, sustainable drainage and energy generating features.'*

### *Green Living Spaces Plan (GLSP) <sup>22</sup>*

The Green Living Spaces Plan (GLSP) aims to enhance and ensure the effective long term maintenance of the city's natural green and water spaces. Under Principle 2, 'The City's Blue Network' it is recommended to;

*'Seek integrated solutions for Sustainable Urban Drainage Schemes (SuDS), rain water harvesting, flood risk, water management and habitat (wetland) creation, with WFD and water sensitive urban design.'*

<sup>19</sup>

[http://consult.birmingham.gov.uk/portal/ps/bp/birmingham\\_plan\\_2013?pointId=d686774e2641](http://consult.birmingham.gov.uk/portal/ps/bp/birmingham_plan_2013?pointId=d686774e2641)

<sup>20</sup>

[http://consult.birmingham.gov.uk/portal/ps/bp/birmingham\\_plan\\_2013?pointId=d686774e2709](http://consult.birmingham.gov.uk/portal/ps/bp/birmingham_plan_2013?pointId=d686774e2709)

<sup>21</sup>

[http://consult.birmingham.gov.uk/portal/ps/bp/birmingham\\_plan\\_2013?pointId=d686774e1054](http://consult.birmingham.gov.uk/portal/ps/bp/birmingham_plan_2013?pointId=d686774e1054)

<sup>22</sup>

<http://birmingham.gov.uk/greenlivingspaces>



# Key Stakeholders

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Many stakeholders are key to the successful provision and implementation of SuDS. These stakeholders and their roles in relation to surface water drainage have been outlined below.

## Local Planning Authority

The role of the LPA is undertaken by Birmingham City Council.

All planning applications are submitted to the LPA and dependent upon the type of application varying periods of review apply:

- minor and other applications are reviewed in 8 weeks
- major applications are reviewed in 13 weeks
- Environmental Impact Assessment (EIA) development applications are reviewed in 16 weeks

Application validation will now include the local list planning application requirements of:

- a sustainable drainage assessment
- a sustainable drainage operation & maintenance plan

As of April 6<sup>th</sup> 2015, the LPA will '*consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.*'<sup>23</sup>

## Lead Local Flood Authority

Birmingham City Council, as the LLFA have the overall responsibility for managing local flood risk.

As of April 15<sup>th</sup> 2015, the LLFA must be consulted on all '*major development with surface water drainage.*'<sup>24</sup>

The LLFA will assess surface water drainage including sustainable drainage and provide a consistent source of technical advice for the LPA. The developer should not rely on the LLFA technical advice in order to ensure the suitability or otherwise of a particular drainage system.

The LLFA will provide pre-application advice (charges will be applied on a cost-recovery basis) for surface water and encourages developers to understand the constraints that drainage may pose from the outset of the design and planning process.

## Local Highways Authority

Birmingham City Council, as the Local Highways Authority (LHA) have the responsibility for all the publicly maintained highways and associated assets in Birmingham, other than Trunk Roads, un-adopted roads and private roads.

Birmingham City Council may adopt roads and footways with associated infrastructure (including traffic signals, street lighting and highway drainage) by different methods as stated in the Highways Act 1980, undertaking the responsibility for ongoing maintenance.

Where SuDS are proposed within the extents of the publically maintained highways, the LHA may adopt these features, pending an agreement between the developer and the LHA.

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23

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

24

[http://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi20150595\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/595/pdfs/ukxi20150595_en.pdf)

## Water Companies

Birmingham's surface water and combined public sewer networks are all serviced by Severn Trent Water (STW).

The LPA will consult STW where proposed drainage systems will discharge to the adopted sewer network to ensure that development does not cause increase flood risk from the development, mostly by agreeing discharge conditions.

STW continue to encourage early and direct dialogue with developers with regard to any intention to connect to the sewerage system.<sup>25</sup>

## Environment Agency

The EA will no longer comment on surface water matters.

The EA will continue to act as a statutory consultee in areas at high risk of flooding<sup>26</sup> from rivers and the sea and designated critical drainage areas (except for non-residential extensions with a footprint of less

than 250 sq. metres or a domestic extension).<sup>27</sup>

## Developers

As of April 6<sup>th</sup> 2015, SuDS are expected to be put in place for the management of run-off on all major developments. It is the responsibility and duty of the developer to ensure that SuDS are provided in all developments, where appropriate.

Birmingham City Council recommend that developers consider SuDS at the earliest opportunity seeking pre-application advice where required, as this will aid in mitigating the risk of design conflicts, allow for ease in implementation of SuDS and the greatest cost savings.

## Land and Property Owners and Occupiers

Where SuDS service a single property it is anticipated that this feature will be operated and maintained by the owners and occupiers.



<sup>25</sup> <http://www.stwater.co.uk/developers/>

<sup>26</sup> <http://apps.environment-agency.gov.uk/wiyby/37837.aspx>

<sup>27</sup>

<https://www.gov.uk/government/consultations/planning-application-process-statutory-consultee-arrangements>



# 2.0 PRINCIPLES OF SUSTAINABLE DRAINAGE

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# Principles of Sustainable Drainage

## What are SuDS?

SuDS is a hierarchical approach to drainage design seeking to ensure that the most sustainable range of drainage techniques are used on a site by site basis.

It is more than just a number of drainage techniques, systems or devices. It aims to drain a site in a sustainable way with consideration to water quantity and water quality, biodiversity and amenity.

SuDS focus on three key areas; controlling surface water quantity (flood risk management), improving surface water quality (water quality management) and providing added development amenity (including biodiversity) benefits.

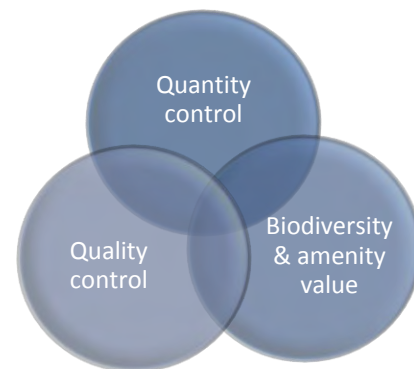
## What are the benefits of SuDS?

Well-designed SuDS provide effective surface run-off drainage, and provide opportunities to reduce the causes and impacts of flood risk, remove pollutants from urban run-off at source, and combine water management with green space with benefits for amenity, recreation and wildlife.

When considered at an early stage, evidence shows that generally the cost of constructing SuDS is cheaper than conventional drainage methods. The cost of providing run-off attenuation storage by above ground SuDS is considerably cheaper than sewers, and underground storage, when integrated into the urban realm or other land use.

## Key SuDS Design Principles

The following three key design principles have been identified as critical for the implementation of SuDS:



### *Quantity Control*

Achieved by controlling the quantity of surface water runoff reaching a watercourse, drainage system or sewer. Controlling runoff can aid in mitigating the risk of flooding. The benefits to quantity control include:

- Less surface water entering watercourses, thereby offsetting peak flows and reducing fluvial flood risk
- Less surface water entering sewers, thereby freeing capacity and reducing flood risk
- Allows for adaption to climate change
- Allows for recharge of underground aquifers

### *Quality Control*

Achieved by improving the quality of surface water reaching a watercourse, drainage system or sewer. The benefits to quality control include:

- Reduces of pollution levels in surface water bodies
- Protects groundwater resources from contamination
- Enables compliance with the WFD

### *Biodiversity and Amenity Value*

Achieved by introducing SuDS that enhance the existing biodiversity of the area and/or add amenity value to the community. The benefits include:

- Contributes to community health & wellbeing by providing green spaces with value in terms of landscape, recreation and walking routes
- Provides opportunities for multifunctional areas
- Provides wildlife habitat and ecological benefits
- Increases property values

These key design principles should be considered in all aspects of SuDS selection and design. All SuDS should aim to achieve each of these principles.

## **Key SuDS Design Practices**

SuDS use a series of drainage techniques. These techniques are applied progressively from prevention, source control, site control through to catchment control. This “management train” includes:

**Prevention** – which involves good site design to reduce and manage runoff through land-use planning.

**Source Control** – which involves managing run-off as close to source as possible including the use of green roofs, rainwater harvesting, permeable paving and filter strips.

**Site Control** – which involves managing runoff through a network or components such as swales and detention basins. Flows for exceedance events should be controlled and directed using overland exceedance routes.

**Catchment Control** – which involves downstream management of site runoff such as retention ponds and wetlands.

The following design practices have been identified to be used throughout the design process. These design practices should be considered in all aspects of SuDS selection and design:

### *Drainage Hierarchy (Page 18)*

A prioritised order of methods for management of surface water, which is to be considered at all stages of design.

Wherever possible the natural drainage of surface water from new developments into the ground will be preferred. Surface water runoff should be managed as close to its source as possible in line with the following drainage hierarchy

### *Treatment Train (Page 18)*

A system of treatments desired to achieve the desired water quality improvements in surface water runoff. The treatment train can be designed to have multiple or singular SuDS features working to obtain the required treatment levels. There are three categories of treatment that may be achieved through the application of a treatment train.

Each development should include an appropriate treatment train, taking account of existing and proposed conditions.



*Drainage Hierarchy (Ref (Emerging)  
Birmingham Development Plan 2013  
Policy TP6)*



*Treatment Train - including  
treatment processes and typical  
SuDS features*

## Why and when should SuDS be implemented?

National and local policy requires a sustainable approach to drainage and evidence suggests that where SuDS are appropriately designed, constructed and maintained, they provide a more sustainable drainage system that conventional approaches.

**Birmingham City Council recommend that a SuDS approach should be implemented on all development sites.**

However, Birmingham City Council also understand that each site may present constraints and may limit the potential for a

solution to achieve maximum benefits for all functions.

Designing SuDS to deliver more than just surface water management is not necessarily difficult or costly but it does often depend on early consideration at the master planning stage, creativity, consultation and partnership. It can deliver benefits for the whole community in terms of biodiversity, climate regulation, regeneration, learning, health and recreation, and a cost effective way of delivering sustainable, resilient communities in urban areas.





# 3.0 SuDS AND BIRMINGHAM

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# SuDS and Birmingham

Birmingham comprises of approximately 26,800 hectares of predominantly urban landscape.

This section provides a high level summary of Birmingham's key characteristics that influence SuDS implementation.

## History

In the 18<sup>th</sup> century the population of Birmingham expanded dramatically during the industrial age, where a concentration of manufacturing centred in Birmingham. This has had a long-standing impact on the water landscape across Birmingham, having most significant impact on watercourses and groundwater conditions.

## Topography

Birmingham is situated just to the west of the geographical centre of England on the Birmingham Plateau - an area of relatively high ground, ranging around 150-300 metres above sea level. With the Clent, Waseley and Lickey Hills towards the south-west of the city, Birmingham slopes gently to the east of the conurbation.

## Climate

Birmingham has a temperate maritime climate, with summer temperatures reaching over 20°C dropping to winter temperatures of 0°C, and annual mean rainfall of 660mm.

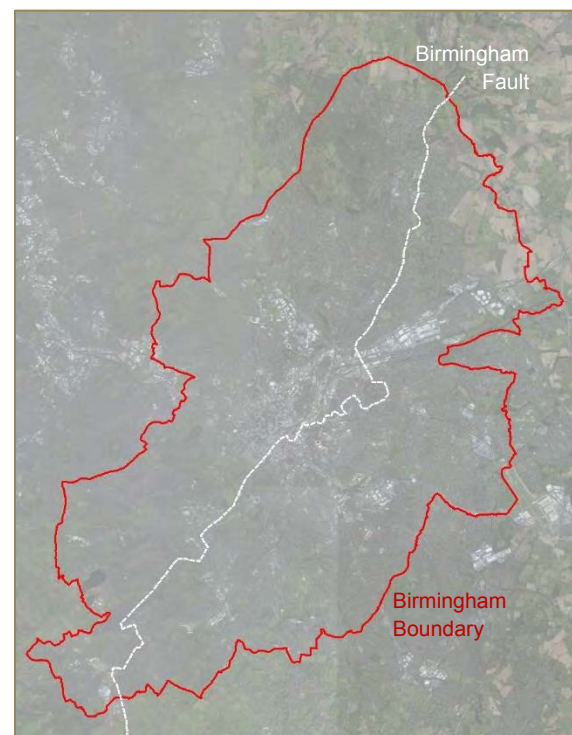
Climate change has already been seen in the UK and is consistent with the UKCP02 scenarios. These suggest that winters would become wetter over the whole of the UK, by as much as 20% by the 2050's. The latest UK Climate Projections (UKCP09) show that in the West Midlands there is a 90% chance

that winter mean precipitation will increase by 38%, and summer mean precipitation will increase by 67%, by the 2080's<sup>28</sup>.

## Ground Conditions

Due to the extents of Birmingham City Council's jurisdiction, there is significant variation in ground conditions across the council's boundary.

The geology beneath Birmingham is divided into two due to a fault, known as the Birmingham Fault, running approximately north east to south west and consists of Permian and Triassic sandstones and mudstones. To the west of the fault line the rock strata predominantly consists of red and red-orange sandstones, and to the east the rock strata predominately consists of red and red-brown mudstones, which are inter-bedded by several silt and sandstone bands.



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<http://ukclimateprojections.metoffice.gov.uk/21708?projections=23754>

The existing ground conditions are heavily influenced by the Birmingham Fault, with predominantly free-draining, mixed flow soils to the north west and poorly draining, fracture flow soils to the south east.

Within the SuDS discharge hierarchy, infiltration is advocated as the first route of disposal of surface water runoff, to be considered when developing runoff management options. Infiltration should be used where conditions allow and only where it is safe<sup>29</sup>. The infiltration potential of a drainage system is governed primarily by the permeability of the surface geology.

British Geological Survey (BGS) infiltration SuDS mapping<sup>30</sup> provides a preliminary indication of the suitability of the ground for infiltration SuDS. The mapping is not for local assessment and does not provide specific subsurface data or state the limitations of the subsurface with respect to infiltration.

Site specific assessment should be undertaken, as required, to determine the infiltration potential. This should be in the form of soakaway tests conforming to the procedure established in BRE Digest 365 – Soakaway design<sup>31</sup>, or various other permeability assessment techniques.

## Groundwater

Due to the presence of the Birmingham Fault, and the resultant geological conditions (impermeable clays to the south and sandstone to the north), there is variation in groundwater depths across the city.

Current depth to groundwater is, typically, greater than 5m below ground level (bgl), however in the areas surrounding watercourses this drops to less than 3m bgl.

Due to a recent fall in the abstraction of groundwater, as a result of a decline in manufacturing, the groundwater levels in the city are expected to rise.

Groundwater contamination is considered to be a significant risk in areas of shallow groundwater, typically southeast of the fault.

Overall, the majority of Birmingham does not fall within a shallow groundwater area or a Source Protection Zone (SPZ) however this should be verified on a site specific basis.

Under the F&WMA, Birmingham have developed a (emerging) LFRMS to consider the impact and consequences of local flood risk generated by the main rivers and other sources. The (emerging) LFRMS defines groundwater flooding as:

*'Groundwater flooding occurs when water levels in the ground rise above surface levels or into the basement of buildings. It is most likely to occur in areas underlain by permeable rocks, called aquifers. These can be extensive regional aquifers, such as chalk or sandstone; or may be more local sand or river gravels in valley bottoms underlain by less permeable rocks.'*

Groundwater flood risk is concentrated in the area immediately surrounding major and minor watercourses. While there is localised areas of groundwater flood risk, there is over-arching low groundwater flood risk in the area to the north west of the fault, with wide variation from low to very high risk to the south east of the fault.

<sup>29</sup>

[www.susdrain.org/files/resources/SuDS\\_manual\\_output/paper\\_rp992\\_19\\_infiltration\\_assessment\\_checklist.pdf](http://www.susdrain.org/files/resources/SuDS_manual_output/paper_rp992_19_infiltration_assessment_checklist.pdf)

<sup>30</sup>

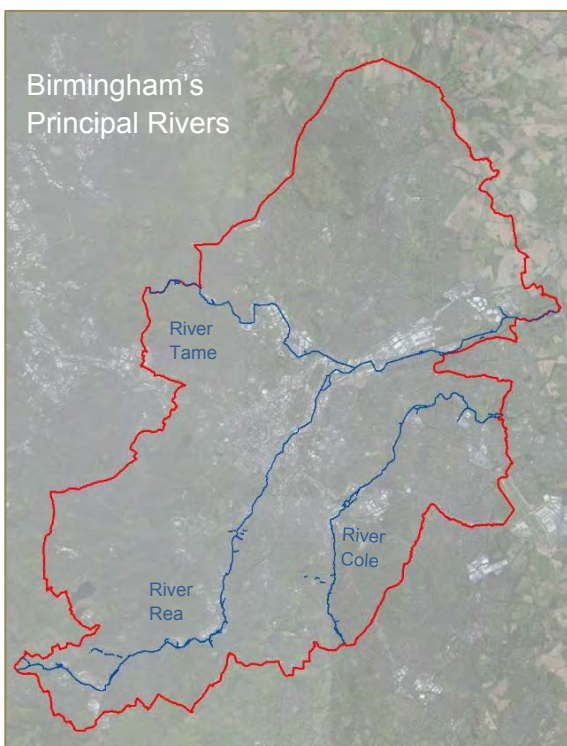
<http://www.bgs.ac.uk/products/hydrogeology/infiltrationSuds.html>

<sup>31</sup> BRE Digest. (2007). Soakaway Design. Bracknell: IHS BRE Press

## Rivers and Fluvial Flooding

There are three principal rivers in Birmingham; River Tame, River Rea and River Cole.

- River Tame: Flows through Perry Barr, Witton, Gravelly Hill, Bromford and Castle Vale
- River Rea: Flows from Frankley through Longbridge, Northfield, Kings Norton, Stirchley, Selly Park to Highgate, Digbeth, Duddeston and Nechells
- River Cole: Flows through Yardley Wood, Billesley, Hall Green into Sparkhill, Yardley, and Stechford



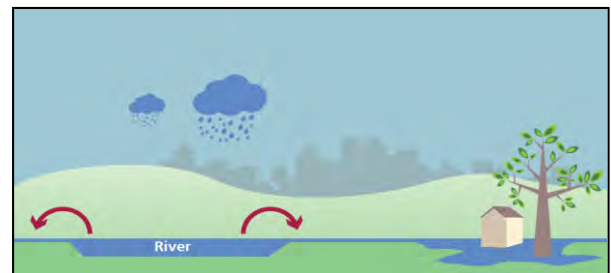
In addition to the principal watercourses, Birmingham has numerous main rivers<sup>32</sup> and ordinary watercourses, with countless unnamed streams, brooks and ditches, which have the potential to impact on fluvial flood risk. Parts of all of these rivers may be classified as 'heavily modified water

bodies'<sup>33</sup> and generate significant fluvial flood risk in the immediately surrounding areas. Each of these river catchments are considered to be highly responsive to the urban environment, and all exhibit flashy responses to all events.

Birmingham's urban environment has a real impact on fluvial flooding, with increases in upstream impermeable areas leading to faster run-off rates.

The (emerging) LFRMS defines fluvial flooding as:

*'Flooding from rivers, called fluvial flooding, occurs during heavy or prolonged rainfall, or rapid snow melt, when a watercourse cannot cope with the water draining into it from the surrounding land.'*



Birmingham City Council believe that all future development should be planned appropriately to mitigate and manage the risk of flooding<sup>34</sup>.

## Surface Water

The urban nature of Birmingham with significant impermeable areas across the city generates significant surface water runoff which places extreme pressure on the existing drainage systems. Birmingham has a history of surface water flooding, where heavy rainfall overwhelms drainage systems

<sup>32</sup> <http://apps.environment-agency.gov.uk/wiyby/151293.aspx>

<sup>33</sup> European Environment Agency defines HMWB as 'HMWB are bodies of water which as a result of physical alterations by human activity are substantially changed in character and cannot, therefore,

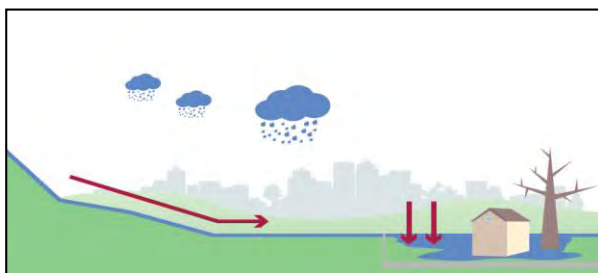
meet "good ecological status" (GES). In this context physical alterations mean changes to e.g. the size, slope, discharge, form and shape of river bed of a water body,' under the WFD. ([www.eea.europa.eu](http://www.eea.europa.eu))

<sup>34</sup> Birmingham Development Plan 2013, Policy TP6

and watercourses. In 2009, Birmingham was estimated to have 22,900 properties at risk of surface water flooding, making Birmingham the highest ranked settlement of properties at risk from surface water flooding outside of London.

The (emerging) LFRMS defines surface water and surface water flooding as:

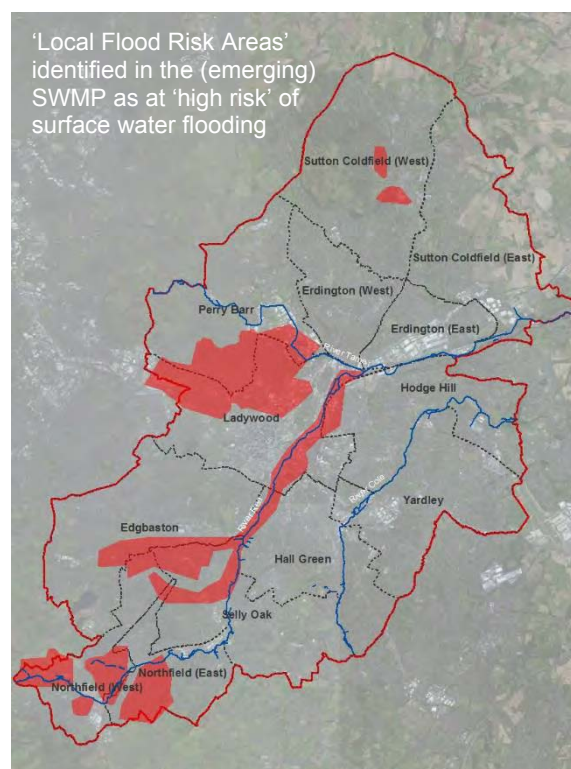
*'Surface water is rainwater which is on the surface of the ground and has not entered a watercourse, drainage system or sewer. Surface water flooding occurs where high rainfall exceeds the drainage capacity in an area. Surface water cannot then enter the system or the drainage network overflows, with manholes surcharging.'*



The (emerging) SWMP<sup>35</sup>, created through collaboration with key stakeholders, establishes the long-term action plan to manage and mitigate the risks associated with surface water.

The (emerging) SWMP identifies 14 'Local Flood Risk Areas' that have a 'high risk' of surface water flooding.

The (emerging) SWMP, SFRAs Level 1 & 2 and the (emerging) LFRMS have identified surface water to be a major contributor to flood risk.



## Landscape and Townscape Character

Birmingham currently ranks as *'one of Britain's greenest cities with more than one fifth of its area consisting of parks, nature reserves, allotments, golf courses and playing fields, many of which are linked by rivers, watercourses and a significant number of canals.'*<sup>36</sup>

The BDP states that future development should be supported by green infrastructure, and *'opportunities to make sustainable design integral to development, such as green infrastructure, sustainable drainage and energy generating features'* should be undertaken (Policy PG3).

Sustainable drainage solutions can aid this vision.

<sup>35</sup> (Emerging) Surface Water Management Plan for Birmingham, Final Report – May 2014

<sup>36</sup> [http://bigcityplan.birmingham.gov.uk/wp-content/uploads/2013/01/Pre\\_Submission\\_Part\\_1.pdf](http://bigcityplan.birmingham.gov.uk/wp-content/uploads/2013/01/Pre_Submission_Part_1.pdf)



## Nature Conservation, Ecology and Biodiversity

Birmingham boasts of a thriving nature and wildlife community; home to a National Nature Reserve (Sutton Park), 10 local nature reserves and 156 other local designated nature conservation sites.

The European Water Framework Directive (WFD) came into force in December 2000 and became part of UK law in December 2003. The WFD provides an opportunity to plan and deliver a better water environment, focussing on ecology, through river basin management planning. We know that the WFD is already at the forefront of Birmingham City Council thinking and SuDS will aid in further progressing this vision.

*There can be challenges in delivering SuDS in some developments, however an integrated approach to design will unlock pragmatic solutions.*





# 4.0 DESIGN PROCESS

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# Design Process

The following design process has been identified and should be applied to all proposed developments in Birmingham:



## STAGE 1: Understand the current requirements of SuDS

The previous sections of this guide summarise national policy requirements and guidance, and detail complimenting local drivers specific to Birmingham.

Anyone developing in Birmingham should ensure that they understand the national and local requirements for SuDS respective of their proposed development.

In March 2015, updated Non-statutory technical standards for sustainable drainage systems<sup>37</sup> were published. Birmingham City Council have elaborated on these standards, with Birmingham Specific requirements. These are available in Appendix A.

## STAGE 2: Evaluate existing site conditions

There are various conditions that will impact on the selection and design of SuDS, and a good understanding of the existing conditions for any proposed site is required before a drainage/SuDS strategy can be developed.

### *Zoning Maps*

Birmingham City Council has developed a series of zoning maps that provide high level information on SuDS considerations, including infiltration potential information compiled from BGS data. These zoning maps should be used as a starting point for site evaluation, and are available in Appendix B.

These zones mirror the Birmingham constituencies and reflect zones that have

been used within other supporting documents, e.g. SFRA.

There are 13 zones for Birmingham; Edgbaston, Erdington (West), Erdington (East), Hall Green, Hodge Hill, Perry Barr, Ladywood, Northfield (West), Northfield (East), Selly Oak, Sutton Coldfield (West), Sutton Coldfield (East) and Yardley.

Each of the zones has been reviewed and zone specific primary design considerations have been assigned.

As this assessment has been undertaken at a high level, developers must test assumptions using site specific characteristics/testing as appropriate. For example, if the zoning maps suggest infiltration is possible, site specific infiltration testing in accordance with BRE-365 would be required to validate the BGS data.

### *Surface Water Risk Mapping*

Use of Risk of Flooding from Surface Water mapping available from the EA<sup>38</sup> should be used to determine if the development is at

#### *Very low risk*

- *Less than 1 in 1000 (0.1%) chance of surface water flooding*

#### *Low risk*

- *Between 1 in 1000 (0.1%) and 1 in 100 (1%) chance of surface water flooding*

#### *Medium risk*

- *Between 1 in 100 (1%) and 1 in 30 (3.3%) chance of surface water flooding*

#### *High risk*

- *Greater than 1 in 30 (3.3%) chance of surface water flooding*

<sup>37</sup>

<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

<sup>38</sup> <http://maps.environment-agency.gov.uk/wiyby/wiybyController?ep=maptopics&lang=e>



risk from surface water flooding. This risk is categorized from very low to high risk, which is defined as:

It should be noted that surface water flooding *'can be difficult to predict, much more so than river or sea flooding as it is hard to forecast exactly where or how much rain will fall in any storm.'*<sup>39</sup>

### *Birmingham Specific Documents*

In addition to the zoning maps, additional Birmingham specific documents, should be evaluated to ensure a thorough understanding of the existing conditions.

### *Other Supporting Information*

Every effort should be made to determine existing site conditions through the use of all relevant available information. This information may include, but is not limited to EA mapping, historic records and local knowledge. If appropriate, the local sewer capacity and any infrastructure improvements to accommodate the flows should also be investigated through a development enquiry to STW.

## **STAGE 3: Understand the primary design considerations of the respective zone**

A number of primary design considerations have been identified in relation to SuDS and for each zone the top three primary design considerations have been identified.

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<sup>39</sup> <http://watermaps.environment-agency.gov.uk/wiyby/WiybyMapQueryResults.aspx?la>

[ng= e&scale=11&cx=370198&cy=314746&topic=ufmfsw&layerid=0&x=369533&y=314997](http://watermaps.environment-agency.gov.uk/wiyby/WiybyMapQueryResults.aspx?la)

### Fluvial Flood Risk



- This area has been identified to be at significant risk of fluvial flooding. Whilst SuDS will not remove the risk of fluvial flooding, the design of the proposed SuDS features must not increase, and should seek to reduce, this risk.
- SuDS features should prioritise surface water quantity control measures.

### Surface Water Flood Risk



- This area has been identified to be at significant risk of surface water flooding. Whilst SuDS may not remove the risk of flooding, surface water control measures must be integral to the design of the proposed SuDS features to not increase, and should seek to reduce, this risk.
- SuDS features should prioritise surface water quantity control measures.

### Soil Permeability / Infiltration



- This area has been identified to have low soil permeability leading to poor natural infiltration.
- SuDS features should be designed and constructed appropriately to accommodate low infiltration levels.

### Groundwater Contamination



- This area has been identified to be highly susceptible to groundwater contamination.
- SuDS features should be designed and constructed appropriately to mitigate the risk of contamination.

### Groundwater Flood Risk



- This area has been identified to be at significant risk of groundwater flooding. Whilst SuDS will not remove the risk of groundwater flooding, quantity control measures and attenuation should be integral to the design of the proposed SuDS features to mitigate this risk.
- SuDS features should prioritise surface water quantity control measures and water quality.

### Depth to Water Table



- This area has been identified to have a high water table, which may result in poor infiltration rates and high risk of groundwater contamination.
- All SuDS features should be designed and constructed appropriately to accommodate the depth to water table.

### Water Quality



- This area has been identified to contribute to poor water quality in natural watercourses and waterbodies.
- SuDS features should prioritise water quality mitigation measures.

## STAGE 4: Complete a Sustainable Drainage Evaluation and seek pre-application advice where recommended

Surface water drainage should be considered at the start of the design process to ensure drainage systems can be delivered as effectively as possible.

To ensure early consideration, development of a **Sustainable Drainage Evaluation** is recommended at the pre-planning application stage in order to pre-empt and highlight issues that could later arise and conflict with the ability of a development to incorporate SuDS.

Development proposals progressed without undertaking this early consultation stage risk the possibility that the proposed layout would not be capable of being drained in a sustainable way to meet national and local policy.

The Sustainable Drainage Evaluation stage looks to gather all relevant data to ensure the site of any proposed development is adequately understood, alongside all relevant opportunities, risks and constraints, from which an adequate SuDS strategy can be developed.

A Sustainable Drainage Evaluation should consist of:

- A location plan
- An existing conditions plan<sup>40</sup>, which should include:
  - Identification of existing overland flow paths and blue corridors
  - Topography (high and low points)
  - Existing land drainage features
  - Existing drainage network
  - Existing flood risk
  - Existing ground conditions, infiltration rates/potential,

groundwater depth and contamination as appropriate

- Existing services
- Existing habitats and species
- Physical restrictions (e.g. existing development/drainage)
- A preliminary surface water strategy, which should include:
  - Proposed overland flow paths and blue corridors
  - Infiltration and contamination potential
  - Discharge restrictions<sup>41</sup>, (e.g. 1 greenfield runoff rate<sup>42</sup> or 1 in 100yr discharge or (emerging) TP6 1 in 100 year + climate change)
  - Hydraulic considerations (e.g. capacity for 1 in 30 year event)
  - Identified appropriate SuDS features
  - Maintenance restrictions
  - Access issues
  - Potential for amenity, biodiversity and landscaping

Birmingham City Council encourage developers to develop a Sustainable Drainage Evaluation that is agreed in principle by all key stakeholders, to meet national and local policy.

### *Seeking Pre-Application Advice*

Pre-application advice will reduce the risk of subsequent design conflicts and later issues that may arise due to the proposed implementation of SuDS. Development proposals progressed without undertaking a Sustainable Drainage Evaluation and seeking pre-application advice run the risk that the proposed layout may not be capable of being drained in a sustainable way.

<sup>40</sup> BCC will accept use of publically available data, in absence of site specific data

<sup>41</sup> The current discharge restrictions should align with the Sustainable drainage Systems, Non-statutory

technical standards for sustainable drainage systems (March 2015) until such times as the (emerging) TP6 policy comes into effect.

<sup>42</sup> [http://www.uksuds.com/greenfieldrunoff\\_js.htm](http://www.uksuds.com/greenfieldrunoff_js.htm)

### Pre-Application Advice Matrix

The following pre-application advice matrix suggests where pre-application advice is to be requested.

	Within an area at risk of Surface Water flooding <sup>43</sup>	Within 250m of a site that has flooded historically	Within a 'Local Flood Risk Area' as identified by the (emerging) SWMP	Within Flood Zone 2 or 3	Within 8m of an Ordinary Watercourse	All other areas
10 dwellings or more, or provision of dwellings on a site of 0.5 hectares or more	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app advice available	Pre-app advice available	Pre-app advice available
Buildings with a floor space 1000 square metres or more	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app advice available	Pre-app advice available	Pre-app advice available
Development site of 1 hectare or more	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app Consultation recommended	Pre-app advice available	Pre-app advice available	Pre-app advice available
All other sites	Pre-app advice available	Pre-app advice available	Pre-app advice available	Pre-app advice not necessary	Pre-app advice not necessary	Pre-app advice not necessary

With reference to pre-application advice the following points should be noted:

- Pre-application advice is to be charged on a cost recovery basis.
- The EA will continue to provide pre-application advice for developments within Flood Zone 2 or 3.
- The developer should identify, at a pre-application stage, if they propose the

use of conditions or a section 106 agreement. This will ensure that early discussions may take place and the most suitable mechanisms, respective to the developers' choice, can be determined, taking into account the particular circumstances of the development.

<sup>43</sup> (updated Flood Map for Surface Water or (emerging) Surface Water Management Plan 1 in 100 year outline)

## Viability

Evidence on the whole life costs of SuDS considers the performance, construction and maintenance costs<sup>44</sup>. The findings of this research, with regard to enhancing the viability of SuDS systems, are outlined below:

- Capital costs for SuDS are generally less than traditional drainage systems. The larger the site the bigger the differential.
- Maintenance costs can be higher, but SuDS are often multifunctional and the combined cost of maintenance activities may be reduced, for example, SuDS incorporated as part of public space have the potential to be maintained as part of the landscape requirements.
- Early consideration of SuDS in the design process is likely to reduce long term maintenance costs.
- Stakeholder involvement enhances the successful management of surface water and its integration with the development.

Every effort should be made to enhance the viability of SuDS systems, and approaches to reduce construction and maintenance include:

- Use of simple, surface, vegetated systems, avoiding deep excavation and engineered structures where possible.
- Development of cost-effective construction programmes which protect drainage (including SuDS).
- Designing for low ongoing maintenance, integrated within general landscaping.
- Effective community engagement, with the possibility of involving local people in SuDS maintenance.
- Enhancing the potential benefits of SuDS systems; reducing flood risk, enhancing water quality, increasing amenity and biodiversity (section 2.0).

## STAGE 5: Select appropriate SuDS features for the site

Based on the site specific requirements, identified and the understanding gained of what should be the main considerations regards SuDS (Sustainable Drainage Evaluation) the next stage is to select appropriate SuDS for the site.

When selecting appropriate SuDS features for implementation within a development, consideration must be given to:

- Key SuDS design principles (section 2.0) aiming to achieve each principle, as far as reasonably practicable
  - Quantity Control
  - Quality Control
  - Biodiversity and Amenity Value
- Use of Birmingham specific documents to prioritise the key SuDS design principle to be achieved, for example use of the SFRAs may indicate where quantity control should take highest priority.
- Achieving the highest level of the drainage hierarchy (section 2.0)
- Selection of the most suitable level of treatment (treatment train) (section 2.0) taking account of existing and proposed water quality conditions.
- SuDS feature design specifications (section 5.0), which include:
  - Hydraulic design considerations
  - Structural & geometrical design considerations
  - General design considerations
  - Biodiversity & landscape design considerations (further expanded in Section 7.0)
  - Maintenance requirements
- Balancing multiple land use demands; e.g. affordable housing, park space, SuDS.

<sup>44</sup> <http://www.susdrain.org/resources/evidence.html>

## STAGE 6: Develop a design (including a Sustainable Drainage Assessment) commensurate with the level of planning required

Following selection of site specific SuDS, the site-specific design should be developed. This design should incorporate a **Sustainable Drainage Assessment**, which consists of:

- A location plan
- Sustainable Drainage Evaluation (see Stage 4)
- Proposed Surface Water Management Strategy, including:
  - Assessment of drainage hierarchy
  - Level of treatment train achieved
  - Proposed overland flow paths and exceedance corridors
  - Infiltration and contamination potential
  - Allowable discharge rates from drainage system, (e.g. greenfield runoff rate )
  - Hydraulic considerations (capacity of drainage system to accommodate a particular rainfall event, e.g. 1 in 100 year event)
  - Identified appropriate SuDS features
  - Maintenance restrictions and access issues
  - Potential for amenity, biodiversity and health and wellbeing benefit including consideration for landscaping
- Results of site-specific testing (where applicable)
- Summary of selected SuDS features

In addition to the Sustainable Drainage Assessment outlined above, the following information is required for specific planning applications.

It should be noted that the following requirements are also applicable to renewal planning applications.

### *Outline Planning*

A concept design is required at outline planning, appropriate to the consent being sought<sup>45</sup>, which may include:

- Sustainable Drainage Evaluation (see stage 4)
- Proposed surface water management summary, which should include:
  - Proposed conditions
  - Proposed overland flow paths
  - Anticipated discharge conditions and restrictions, (e.g. discharge to watercourse at greenfield runoff rate)
  - Anticipated maintenance restrictions and access issues
  - Potential for amenity, biodiversity and landscaping

### *Full Planning (including Reserved Matters)*

A detailed design is required for full planning, which should include:

- Full Sustainable Drainage Assessment
- Supporting design report & drawings, documenting:
  - Hydraulic calculations (e.g. network capacity required)
  - Maintenance restrictions and access issues
  - Additional consents approved/to be applied for.

<sup>45</sup> For example, if a developer seeks outline consent with all matters reserved (including reserving design details such as layout for consideration in a reserved matters application at a later stage) it may not be

possible to provide all aspects of the concept design. The developer should demonstrate an understanding of existing conditions and anticipated proposed conditions.

- Site layout and detailed design of the surface water network, including selected SuDS features

It should be noted that where discharge of water is directed to an area with a conservation designation, an ecological impact assessment may be required.

***What calculations do I need to provide for my development?***

The following hydraulic calculations are required for all developments:

- Proposed discharge rates

Greenfield runoff rate calculations should be provided for the 1 in 1 year rate, 1 in 30year rate and 1 in 100yr plus climate change.

These calculations may be provided through use of appropriate industry standard drainage design software, use of the EA Guidance<sup>46</sup> or use of a greenfield runoff calculator<sup>47</sup>.

Where greenfield runoff rates are not being applied, further justification of proposed discharge rates is required (e.g. STW correspondence, evidence that development is unviable with greenfield runoff rates)

- Proposed storage requirements

Attenuation storage calculations should be provided for the 1 in 30yr and the 1 in 100year plus climate change event. These calculations may be provided through the use of appropriate industry standard drainage design software, use of the EA Guidance or use of a stormwater storage calculator<sup>48</sup>, and should include the design criteria, calculated storage required and details of proposed storage features

Where the proposed development contains 50 dwellings or more; provision of dwellings on a site of 2 hectares or more; buildings with a floor space of greater than 5,000 square metres or development site of 2

hectares or more, the following information is also required:

- Existing and proposed drainage network details

Where there is an existing drainage network, details should be provided of the existing network dimensions (diameter/width/length), slope and roughness (e.g. STW records & survey drawings).

The proposed drainage network details should be provided, including dimensions (diameter/width/length), slope and roughness for all drainage features, with a layout plan and catchment area summary

- Evidence of proposed network performance

Verification of the performance of the proposed drainage network is required under the 30 year and 100 year plus climate change events.

Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

It should be noted that Birmingham City Council consider 30% to be an acceptable allowance for climate change, and that for all development (greenfield & brownfield) surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.

<sup>46</sup> Rainfall Runoff Management for Developments

<sup>47</sup> <http://www.uksuds.com/greenfieldrunoff.js.htm>

<sup>48</sup> <http://www.uksuds.com/surfacewaterstorage.js.htm>



***How do I present my calculations?***

In addition to the guidance noted above, Birmingham City Council has created a 'Surface Water Management, Drainage Pro-forma' to support the user in development of a Sustainable Drainage Assessment. This pro-forma can be found in Appendix C.

***What is the difference between a Sustainable Drainage Assessment and a site-specific Flood Risk Assessment?***

NPPF footnote 20 explains that a site specific Flood Risk Assessment (FRA) is required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3, or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding. The FRA should, amongst other things, help demonstrate that priority is being given to sustainable drainage systems in areas at risk of flooding.

A Sustainable Drainage Assessment is a Birmingham specific requirement for all major applications. It should include the detailed design, management and maintenance of surface water management systems including SuDS.

**STAGE 7: Prepare an Operation and Maintenance Plan**

Due to the variation in the operation and maintenance requirements of different SuDS features, early consideration of the long term maintenance of these features is critical to ensure that maintenance of the selected SuDS feature is achievable for the lifetime of the development.

An operation and maintenance plan must be developed and submitted with all major development planning applications, refer to Section 5.0 for SuDS feature specific requirements and Section 8.0 for details of the requirements for relevant planning applications.

Birmingham City Council has created an 'Operation & Maintenance Pro-forma' to support the user in development of an Operation & Maintenance Plan. This document can be found in Appendix D.

Birmingham City Council has provided a number of typical maintenance schedules (available in Appendix E) to provide guidance on the appropriate levels of operation & maintenance by SuDS feature. It should be noted that all maintenance schedules should be tailored to consider site-specific aspects of SuDS features, including location and access points.



## **STAGE 8: Submit Planning Application and obtain planning permissions and permits**

Once completion of the design (including a Sustainable Drainage Assessment), including an appropriate Operation and Maintenance Plan and an agreement on future adoption of the drainage system (including SuDS) have been completed, the developer should submit this under the relevant planning application. It should be noted that the council may choose to use planning conditions or section 106 agreements, taking into account the particular circumstances of the development.

The LLFA maintains an asset register of all SuDS and flood mitigation assets which includes location, size, discharge, maintenance requirements and owner. In order to maintain a current register information received respective to SuDS, as part of a planning application, will be added to this register. The developer must provide the LLFA with the final 'as-built' plans & drawings, with accompanying operation and maintenance plan (including adopting party agreement) to be added to the asset register.

## **STAGE 9: Construct, operate & maintain for the lifetime of the development**

Following the approval of the planning application, it is the responsibility of the developer to ensure that the drainage system is constructed in accordance with the submitted plans, and operated and maintained as previously outlined by the approved adopting party.

# 5.0 SuDS FEATURE DESIGN CONSIDERATIONS

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# Selection of Suitable SuDS Features

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A number of typical SuDS features have been identified that are applicable to the Birmingham area. The following section explores these SuDS features indicating the key design criteria to be considered. It is acknowledged that the identified SuDS within this section may not be applicable to every development, and elements of the key design principles can be adapted by a competent engineer/designer and applied in bespoke SuDS systems.

Alongside feature specific design considerations all SuDS should be designed to:

- Mitigate flood risk to people and property as far as reasonably possible, and must not exacerbate or increase flood risk elsewhere.
- Provide a satisfactory level of protection to natural watercourses and surface water bodies.
- Be effectively designed to allow for appropriate levels of operation & maintenance, clearly defined within a management plan, to allow the system to operate efficiently for the lifetime of the development.  
Birmingham City Council has provided a number of typical maintenance schedules (available in Appendix E) to provide guidance on the appropriate levels of operation & maintenance by SuDS feature. It should be noted that all maintenance schedules should be tailored to consider site-specific aspects of SuDS features, including location and access points.
- Maximise the aesthetic appeal and amenity value of the drainage system, enhancing biodiversity.
- Preserve or enhance existing landscape design quality and amenity value to

allow the continued recreational use of open space.

- Adhere with national policy, relevant design guidance and Birmingham City Council requirements relevant to the non-statutory Technical Standards for Sustainable Drainage Systems<sup>49</sup> which are available in Appendix C.

*All SuDS feature design should be completed in accordance with the SuDS Manual (CIRIA C697) with consideration of CIRIA C609B, Sustainable drainage systems: hydraulic, structural and water quality advice.*

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<sup>49</sup> <https://consult.defra.gov.uk/water/delivering-sustainable-drainage->

[systems/supporting\\_documents/20140912%20SuDS%20consult%20doc%20finalfinal.pdf](https://consult.defra.gov.uk/water/delivering-sustainable-drainage-systems/supporting_documents/20140912%20SuDS%20consult%20doc%20finalfinal.pdf)

## Safety and Access

Consideration should always be given to safety in design and appropriate consideration of access during the design of SuDS. The design of SuDS should consider:

- All drainage systems should be designed for safe access for maintenance.
- Designs should minimise the risk of falls. Where a person could fall a significant height (~greater than 2m), the provision of a fence should be considered.
- Access around ponds (safety shore) which is suitable for maintenance vehicles and pedestrians should be provided (subject to local requirements) with cross-falls of 1:15 and width of 3.5m.
- Aquatic benches should be at least 1 m wide, with the design taking into account the results of a risk assessment for the site. Gradients in the pond beyond the aquatic bench, if designed to be steeper than 1:3, should have a minimum transitional width of 1 m at a maximum gradient of 1:3.
- Gradients between the safety bench and the lower “aquatic bench” (see Section 5.0) should be less than 1 in 3 (and preferably a minimum of 1:4) to reduce risks of the public slipping into the water and ensuring easy access from it.
- Where risks are considered to be significant, education boards should be used to inform the public and encourage them to take personal responsibility, and lifesaving equipment should be provided where this is thought necessary.
- Where ponds are located within eight miles of an airport, guidance provided by the Civil Aviation Authority (CAA) should be applied in designing ponds which minimise the risk of inappropriate types of birds (swans etc.) colonising the area. This reduces the risks of aircraft bird strikes causing accidents.

CDM Regulations 2015 must also be considered and applied to the planning, design and construction and long term maintenance of SuDS systems.



# Soakaway

*Soakaways are excavations, filled with rubble or lined with brickwork, pre-cast concrete or polyethylene rings/perforated storage structures surrounded by granular backfill that store surface water and allow it to soak into the ground. The use of soakaways in many areas of Birmingham will be limited because of the presence of clay soils and high groundwater levels. However, where conditions are suitable they can be used to manage surface water runoff from roofs, driveways and patios.*

## Hydraulic Design Considerations

- Design in accordance with current standards<sup>50</sup>
- Site infiltration rate assumed for design should be based on appropriate site investigations and in accordance with national standards
- Infiltration testing should be carried out in accordance with BRE-365
- Minimum distance of 1m from the base of the soakaway to the seasonally high groundwater table
- Outlets must be provided for excess stormwater if considered necessary

## Structural & Geometrical Design Requirements

- Fill material must provide 30% or more void space
- Geotextile material is to be used to separate the granular materials and the surrounding soil to prevent clogging and migration of fine soil

## General Design Requirements

- Minimum distance from structural foundations of 5m
- Soakways that have a depth greater than 4m require approval from the EA

- Pre-treatment is required where appropriate
- Not to be used in areas where risk of contamination in the runoff could lead to pollution of groundwater
- Where used in areas at risk of groundwater contamination, geotextile membrane liner should be used
- Design in accordance with the SuDS Manual (CIRIA C697) with consideration of CIRIA C609B, *Sustainable drainage systems: hydraulic, structural and water quality advice*.

## Landscape/Biodiversity Design Requirements

- Use of locally native, or otherwise appropriate, plant species, requiring little or no aftercare once established

## Maintenance Requirements

- Provide access to allow for maintenance
- Not to be used to drain landscaped or similar areas due to risk of sediment blockage and clogging of the soils surrounding the device.
- Regular Monitoring performance (using observation well) is advised

<sup>50</sup>

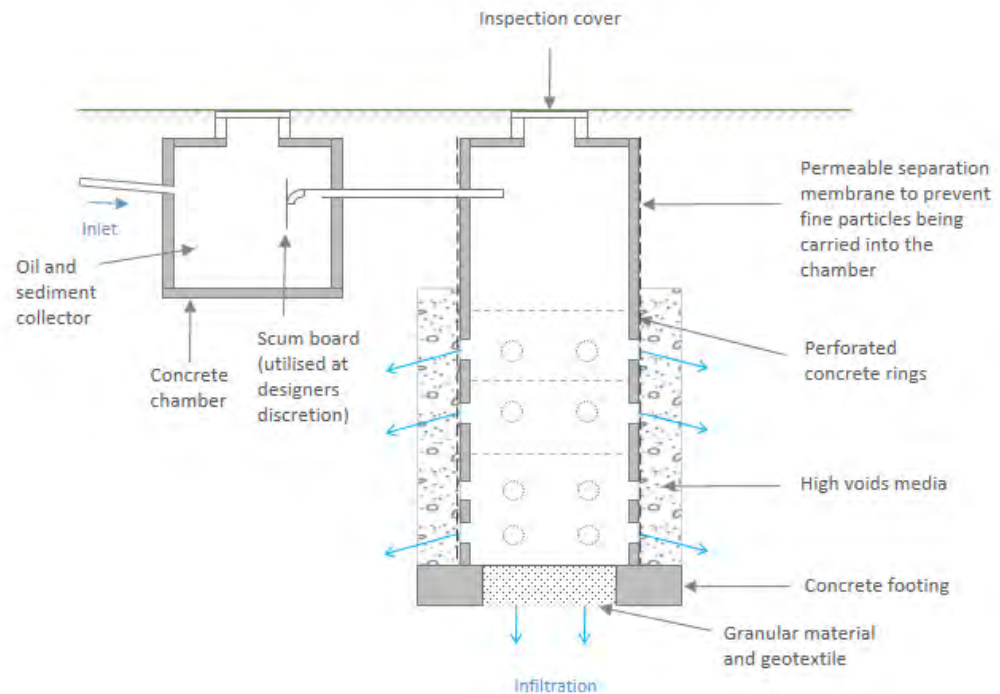
<https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

The current discharge restrictions should align with the Sustainable drainage Systems, Non-statutory

technical standards for sustainable drainage systems (March 2015) until such times as the (emerging) TP6 policy comes into effect

## SOAKAWAY (Including pre-treatment device)

Modified from CIRIA C697 Figure 6.5



## Example of Good Practice

### Elvetham Heath, Fleet, Hampshire

63ha development including residential units, a school, village centre, large retail outlet, park and ride and sports pitches.

The drainage strategy provides a soakaway systems to drain the areas of high ground, using swales/linear ponds for conveyance in the flattest areas with small detention basins scattered through the site to provide attenuation storage and encourage infiltration to reduce the volume of runoff.

The scheme is designed to limit discharge to the 50 year return period greenfield rate of 7l/s/ha and to function without flooding up to the 30 year return period event.



## Example of a soakaway

Image source: Arup

# Green/Brown Roofs

*Green/Brown roofs have a thin layer of soil-like material known as substrate that is planted with species appropriate to the local conditions and visual amenity considerations.. Varying substrate depths are best from visual and biodiversity points of view with thicker areas located over stronger points in a roof such as columns.*

## Hydraulic Design Requirements

- Hydraulic design should follow guidance in BS EN 12056-3:2000
- Attenuate 1 in 2 year storm event

## Structural & Geometrical Design Requirements

- Roof pitch : Minimum slope of 1 in 80, Maximum slope of 1 in 3
- Roof must withstand full additional load of saturated green roof elements
- Discharge outlets should adhere to relevant guidance - BS 12056-3:2000 and keep separate from growth medium
- Provide greater than two (preferably multiple) outlet locations to reduce the risk of blockage
- Substrate/Soil should contain less than 20% organic matter
- Minimum soil thickness of 100mm

## General Design Requirements

- 1m wide gravel or slab fire break every 40m
- Provide a raised grid structure to secure the plant growing substrate
- Provide a shallow layer of gravel over a width of approximately 400mm from the outside perimeter of the roof
- Provide adequate access to allow for maintenance

- Water capacity should not exceed 65% by volume in order to avoid water logging
- Where used in areas at risk of groundwater contamination, geotextile membrane liner should be used
- Design in accordance with the SuDS Manual (CIRIA C697) and with consideration to from Building Greener, published by CIRIA, and the EAs Green Roof Tool Kit

## Landscape/Biodiversity Design Requirements

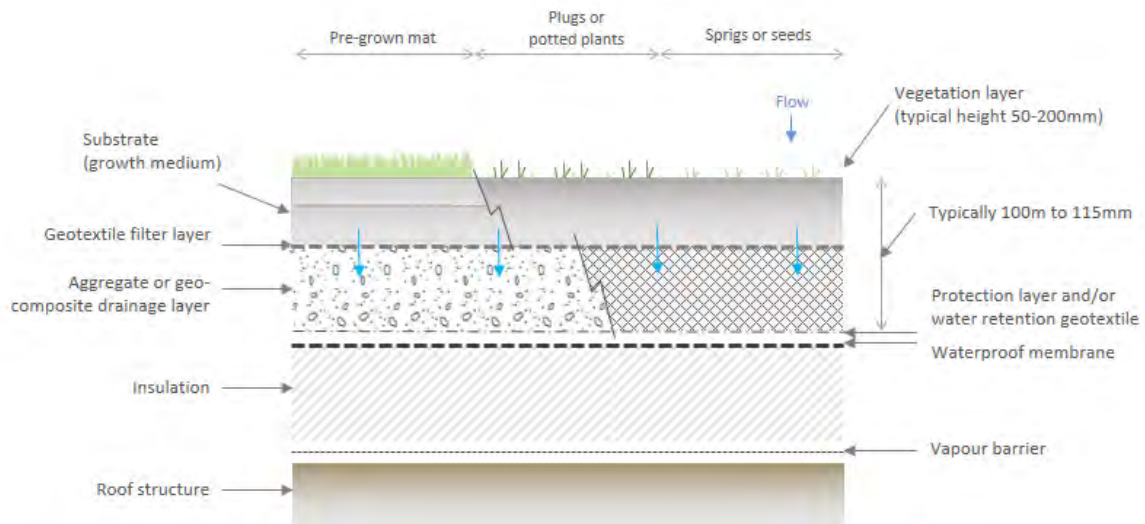
- Use of locally native, or otherwise appropriate, plant species, requiring little or no aftercare once established
- A roof top can be an inhospitable place for plants and plant species should be self-sustaining, able to withstand heat, cold and high winds and able to tolerate poor soil and mildly acidic conditions
- 10-15% of bare ground on roof tops to be accommodated in areas where mitigation for Black Redstarts is a priority.

## Maintenance Requirements

- Consideration should be given to:
  - Irrigation during establishment of vegetation
  - Inspection for non-designed bare patches and replacement of plants
  - Litter removal

## GREEN ROOF

Modified from CIRIA C697 Figure 6.2



## Example of Good Practice

### Triton Street, Regent's Place, London

This mixed-use office and residential development, found close to Regent's Park, is set within a dense urban location.

Green roofs extend along three different building blocks of various heights and amount to a total area of 2,500m<sup>2</sup>.

This SuDS system provides added value in biodiversity, health and wellbeing, enhances the urban environment.



## Example of a green roof

Image source: Arup



# Filter Drain

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*Filter drains are gravel filled trenches that collect, store and move water. They also treat pollution. The trench is filled with free draining gravel and often has a perforated pipe in the bottom to collect the water. They are widely used to drain roads and are often seen along the edge of main roads. There is frequently a geotextile just below the surface that is used to trap silt and stop it clogging the gravel deeper in the trench. A small filter strip before the trench is also a good way of stopping silt clogging the trench.*

*A filter strip is an area of vegetated land designed to accept runoff, located between an impermeable area and a receiving water course or drainage system.*

## Hydraulic Design Requirements

- Run off from adjacent impervious areas must be evenly distributed across the filter strip with a water depth less than 50mm for the water quality treatment event.
- Conveyance routes for runoff should be identified, with a slope of 1 in 300 minimum, to encourage flow under gravity. These should be predominantly lateral inflow, point flows may be acceptable on a site-specific basis
- Low level outlets to be used when designed for conveyance, high level overflows to be used when designed for infiltration.

## General Design Requirements

- Maximum width of 50m of impermeable area that runs off onto filter strip
- Slopes must not exceed 1 in 20
- Minimum Slope of 1 in 50
- Where used in areas at risk of groundwater contamination, geotextile membrane liner should be used

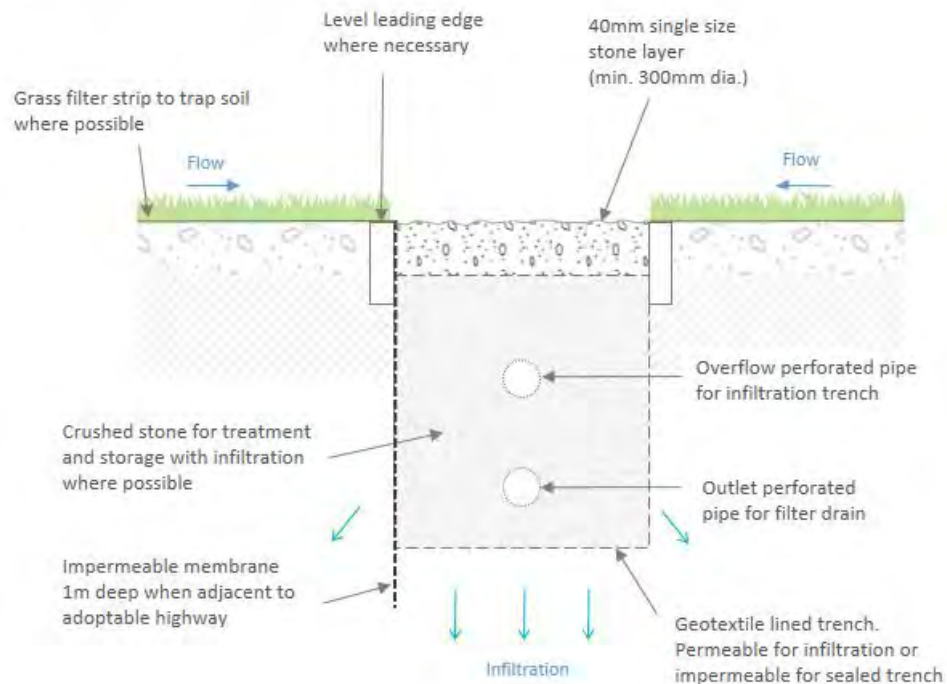
- Effective upstream pre-treatment to remove sediment and fine silts.
- Filter drains can be used in conjunction with swales to create enhanced swales and act as a pre-treatment system.
- A minimum void ratio of 0.3 to be used for the fill material.
- Design in accordance with the SuDS Manual (CIRIA C697) with consideration of CIRIA C609B, Sustainable drainage systems: hydraulic, structural and water quality advice.

## Maintenance Requirements

- Consideration should be given to the requirement for litter/debris removal, mowing and repair of eroded or damaged areas
- Jetting pipes every 10 - 15 years, or as required
- Replacing blocked stones/geotextile every 10-15 years, or as required

## FILTER DRAIN

Modified from CIRIA C697 Figure -



## Example of Good Practice

### Bognor Regis Sports Centre, West Sussex

2ha site comprising of a sports centre, synthetic sports pitches, multi-use games area and 136 car parking spaces.

The SuDS system comprises of porous paving in the car park area which allows blanket infiltration into the subgrade and a network of filter drains servicing the sports pitches which connect to an infiltration trench.

This system attenuates site runoff to a limited discharge of 7 l/s.



## Example of a filter drain

Image source: Arup

# Swale

*Swales are vegetated shallow channels designed to store and/or convey runoff. They are source control element of SuDS and may be used as conveyance structures to pass the runoff to the next stage of the treatment train. The grass/vegetation slows the water down and traps some allowing it to infiltrate into the ground. In addition, the plants help evaporate some water and filter out pollutants. Swales can be incorporated into larger greenspaces and make significant contributions to landscape, biodiversity and sense of place.*

## Hydraulic Design Requirements

- Maximum velocities during extreme events of 2m/s, soil dependant - promoting low flow velocities to allow suspended particulate load to settle out, providing effective pollutant removal.
- Maintain flow height of water during frequent events below the top of the vegetation (typically 100mm)
- Pre-treatment is recommended to remove sediment and fine silts prior to infiltration
- Check dams to be used where longitudinal slopes are steep to maximize storage and minimize land use where appropriate

## Structural & Geometrical Design Requirements

- Maximum side slopes of 21 degrees (where soil conditions allow)
- Minimum base width normally 0.5m where water treatment is required, may be reduced to 0m to maintain suitable bank slopes in constrained sites.
- Minimum Freeboard of 150mm

## General Design Requirements

- Where used in areas at risk of groundwater contamination, geotextile membrane liner should be used
- Design in accordance with the SuDS Manual (CIRIA C697) with consideration of CIRIA C609B, *Sustainable drainage systems: hydraulic, structural and water quality advice*.

## Landscape/Biodiversity Design Requirements

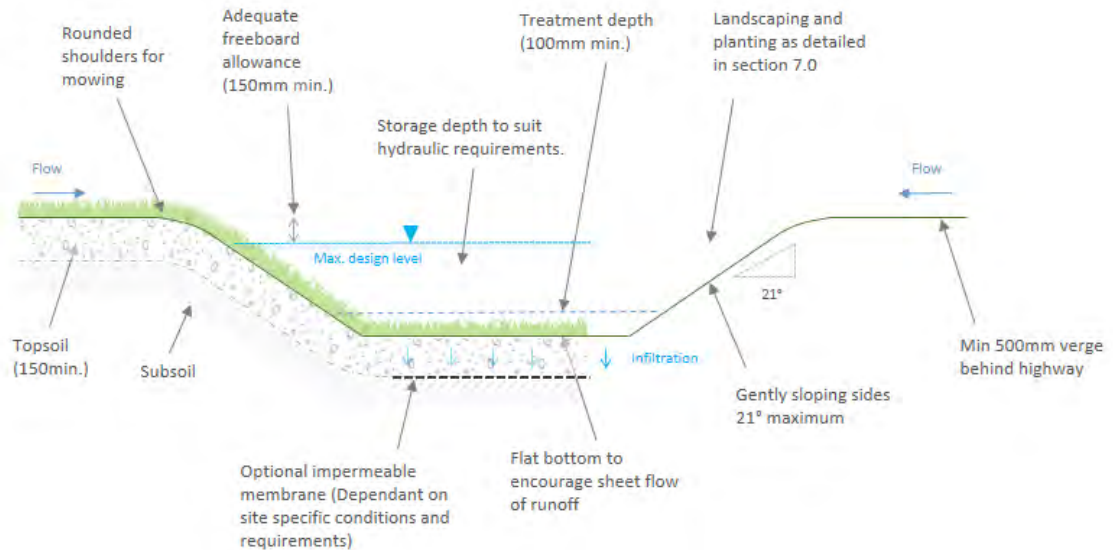
- Use of locally native, or appropriate, plant species, for swale base or on slopes to enhance biodiversity, requiring limited management
- Aim to provide a green setting for new developments, contributing to a 'local sense of place'
- Create a connected network of green existing and proposed spaces

## Maintenance Requirements

- Consideration should be given to:
  - Litter removal
  - Grass cutting and removal of cuttings
  - Clearing inlets, culverts and outlets from debris and sediment
  - Repairing of eroded or damaged areas

## SWALE

Modified from CIRIA C697 Figure 10.1



## Example of Good Practice

### Lamb Drove, Residential SuDS scheme, Cambourne

A residential development of 35 affordable homes on a 1Ha site. A number of SuDS features have been applied across the site, comprising of water butts, permeable paving, green roofs, swales, filter strips, detention and wetland basins and a retention pond.



*Example of a swale*

Image source: Arup

# Permeable Paving

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*Permeable paving consist of blocks or porous concrete/asphalt that is suitable for pedestrian and/or vehicular traffic, while allowing water to infiltrate through the surface where it can be discharged to another system or attenuated before infiltrating into the ground.*

## *Hydraulic Design Requirements*

- Selection of appropriate permeable paving system following assessment of site infiltration; total infiltration, partial infiltration or no infiltration.
- Design surface infiltration rate should accommodate the design rainfall intensities taking into consideration the limiting impact of surface material clogging, geotextile membranes and sub-soil on infiltration rates; typically the design surface infiltration rate is significantly larger than the design rainfall intensity
- Seasonal high groundwater table must be greater than 1m below the sub-base for total and partial infiltration systems; and must be below the geotextile membrane liner for no infiltration systems
- Maximum designed water depth must not exceed the top of the subbase
- Adequate outflow piping must be provided for sealed systems, using appropriate geotextiles to prevent clogging
- Emergency overflow points should be included in the system to accommodate events in excess of the design event
- Appropriate use of geotextiles meet treatment requirements and prevent clogging
- In areas at high risk of contamination, sealed systems may be used for treatment and attenuation purposes only
- Sealed systems must include an appropriate geotextile membrane should be selected to prevent infiltration from the system to the surrounding sub-soil
- Structurally designed to accommodate proposed loading, taking into consideration the impact of loading on the sub-surface system and design infiltration rates e.g. vehicular loading

## *General Design Requirements*

- Base of the paving system to be laid flat to maximise storage, or if installed on a sloping site, baffles should be considered to slow flows and promote maximum infiltration.
- Subsurface storage volume should meet site-specific requirements for infiltration and/or discharge requirements

## *Landscape/Biodiversity Design Requirements*

- Use of paving materials appropriate to local context

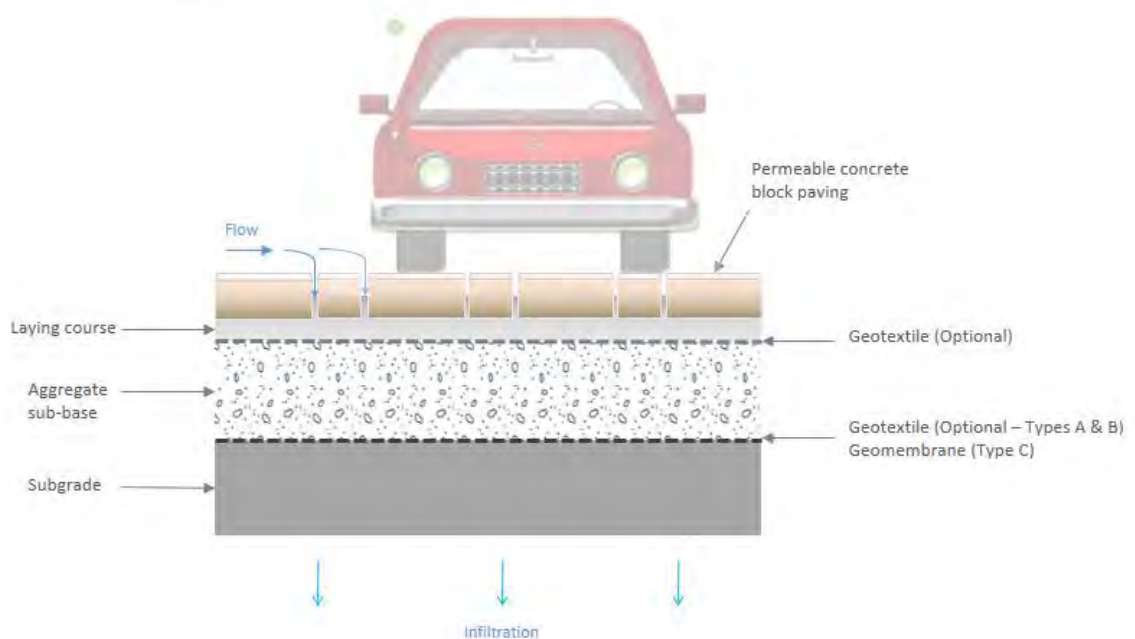
## *Maintenance Requirements*

- Regular sweeping and vacuuming



## PERMEABLE PAVING

Modified from CIRIA C697 Figure 12.6



## Example of Good Practice

### Riverside Place, Riverside Court, Stamford

Riverside Court was the re-development of an electricity sub-station to create high density urban housing, with 72 units in 0.69ha. This redevelopment increased runoff.

A system of permeable paving, rills, canals and shallow geocellular storage has been used to capture, clean and store runoff in a very confined space with no land take. Roof water is collected through silt traps that flow into diffuser boxes within the voided stone sub-base or directly to planted rills.

This system ultimately discharges a controlled flow of clean water to the River Welland.



*Example of permeable paving*

Image source: Arup

# Infiltration Basin

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*Infiltration basins are vegetated depressions in the ground designed to store surface water runoff on the surface. They should be dry most of the time except in periods of heavy rain. Infiltration basins should be designed as landscape features that act as visual enhancement and habitat creation. When dry, they can be used for social space, and habitat creation.*

## Hydraulic Design Requirements

- Site specific infiltration tests should be completed; infiltration basins are not appropriate in areas of negligible infiltration, or areas where there is a high risk of groundwater contamination
- Seasonal high groundwater table must be greater than 1m below the sub-base
- Conveyance routes for runoff to be identified, with a minimum slope of 1 in 300. to encourage flow under gravity
- Erosion control measures should be installed at inflow and outflow points,
- Basins should be designed to infiltrate fully, no long term standing water is permitted.
- Design should allow for 50% of the basin to infiltrate within 24 hours
- Basin floor should be as flat as possible to maximise infiltration rates.
- Rate of water inflow and rise in water levels should be sufficiently slow as not to present a hazard

## General Design Requirements

- Emergency overflow points should be included in the system to accommodate events in excess of the design event,
- Pre-treatment to reduce accumulation of silt is recommended
- Side slopes to be a maximum of 21 degrees, with adequate access points to allow for maintenance, e.g. mowers

- Embankment design to allow for water to be impounded; fill material must be inert
- Adequate access must be provided to allow for inspection & maintenance
- Where used in areas at risk of groundwater contamination, geotextile membrane liner should be used

## Landscape/Biodiversity Design Requirements

- Use of locally native, or otherwise appropriate, plant species, able to tolerate periodic cover by water, for basin base or slopes
- Maximise amenity and green infrastructure benefits

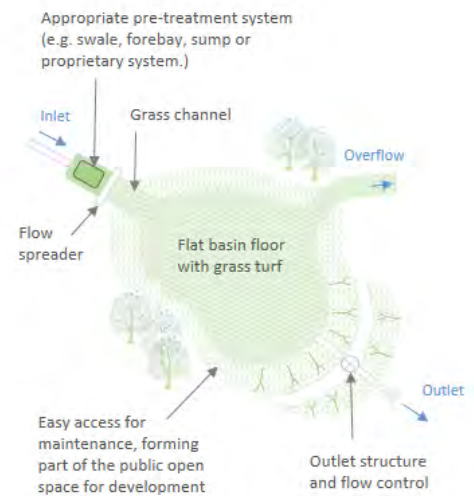
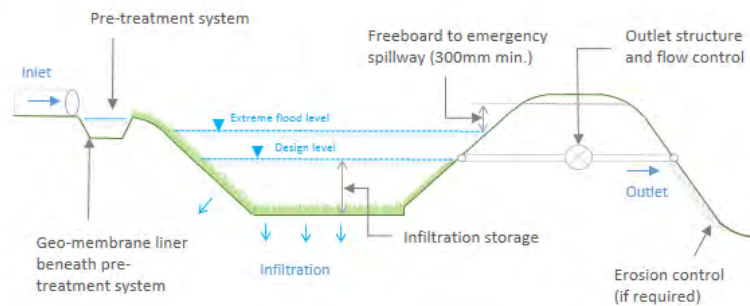
## Maintenance Requirements

- Inlets and outlets to be positioned to be visible for ease of access and maintenance. Regular inspections are required to prevent blockages
- Basins to have rounded shoulders to assist cutting activities. Grass seed specification shall be confirmed by Developer including frequency of growth/cutting regime and suitability for location)
- Occasional silt removal is also recommended. Hollow tine and scarifying of ground will increase infiltration.

## INFILTRATION BASIN

Modified from CIRIA C697 Figures 15.1 to 15.2

INFILTRATION BASIN PROFILE



## Example of Good Practice

### Victoria Park Health Centre, Leicester

The Victoria Park Health Centre (VPHC) development is a two-storey health centre, of 0.7 ha.

Due to underlying permeable soils the SuDS scheme for this development focuses on infiltration, comprising of a green roof and an infiltration basin.

The green roof services the majority of the roof area, with the remaining conventional roof runoff combining with car park runoff to discharge to a marsh area where it naturally infiltrates.

Most of the site runoff is conveyed to the infiltration basin, where it is filtered through the substrate and infiltrates to the groundwater. This system is designed to accommodate the 1 in 100 year event, with no overflow/exceedance route and no flow control features as it is a relatively small site that is designed to 'soak' into the ground.



## Example of an infiltration basin

Image source: Arup



# Detention Basin

*Detention basins are surface structures, typically vegetated depressions that provide flow control through temporary storage and attenuation with controlled release of stored runoff. They should be designed as landscape features that act as visual enhancement and habitat creation. When dry, they can be used for social space, and habitat creation.*

## Hydraulic Design Requirements

- Storage volume should meet site-specific requirements for storage of design storms and/or discharge requirements
- Design of on- & off-line systems must comply with current guidelines.
- Seasonal high groundwater table must be below the sub-base and the geotextile membrane liner
- Conveyance routes for runoff should be identified, with a slope of 1 in 300 minimum. to encourage flow under gravity
- Maximum depth of water in basin should not exceed 3m
- The basin bed should be fairly flat, with a gentle slope towards the outlet (recommended 1:100)

## General Design Requirements

- Recommended length/width ratio for online detention basins is between 5:1 and 2:1 to further encourage settlement and filtration of runoff
- Basins with an impermeable geotextile membrane may be used in areas of low permeability and areas at high risk of groundwater contamination
- Emergency overflow points should be included in the system to accommodate events in excess of the design event, where required

- Pre-treatment to reduce accumulation of silt is preferred
- Side slopes to be a maximum of 21 degrees, with adequate access points to allow for maintenance, e.g. mowers
- Embankment design to allow for water to be impounded; fill material must be inert
- Adequate access must be provided to allow for inspection & maintenance

## Landscape/Biodiversity Design Requirements

- Use of locally native, or otherwise appropriate, plant species, able to tolerate periodic cover by water, for basin base or on slopes to enhance biodiversity
- Maximise amenity and green infrastructure benefits

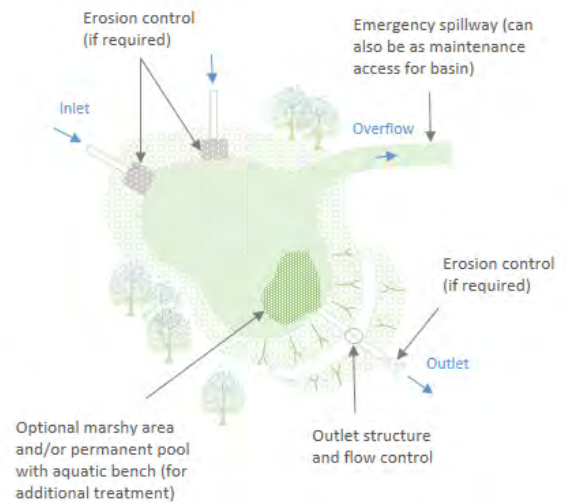
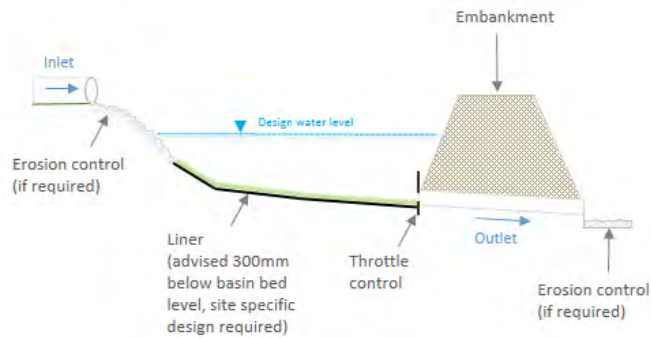
## Maintenance Requirements

- Inlets and outlets to be positioned to be visible for ease of access and maintenance. Regular inspections are required to prevent blockages
- Basins to have rounded shoulders to assist cutting activities. Grass seed specification shall be confirmed by Developer including frequency of growth/cutting regime and suitability for location)
- Occasional silt removal is also recommended. Hollow tine and scarifying of ground will increase infiltration.

## DETENTION BASIN

Modified from CIRIA C697 Figures 16.1 to 16.2

SIMPLE DETENTION BASIN PROFILE



## Example of Good Practice

### Dunfermline Eastern Expansion, Scotland

This is a 550ha development site which will be developed over 20 years to include a mixture of industrial, commercial, residential and recreational areas.

A SuDS system has been used to mitigate the increase in runoff and potential pollutants, however the use of infiltration systems is limited due to underlying clay soils. A system of offset kerbs, filter drains and swales, servicing the public highway, discharge into extended detention basins and wetlands, which also serve housing areas.

Runoff is treated through a series of ponds and wetlands, using detention basins to achieve maximum attenuation of storm flows.



## Example of a detention basin

Image source: Arup

# Rain Garden/Stormwater Planter

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*Rain gardens and Stormwater planters are shallow, localised, landscaped areas which typically rely on engineered soils, enhanced vegetation and underdrains. These features are designed to manage and treat runoff from frequent storm events, providing attenuation and treatment of runoff.*

## Hydraulic Design Requirements

- Sufficient area to store the Water Quality Treatment Volume, or where retrofitted sufficient area to provide betterment to existing
- Seasonal high groundwater table must be greater than 1m below the sub-base in unlined systems; and must be below the geotextile membrane liner for lined systems
- Depth of standing water must not exceed 150mm during a storm event
- Systems should be designed to half empty within 24 hours of storm event, and completely dewater within 48 hours

## General Design Requirements

- Depth of sub-soil should be a minimum of 1m, where trees are to be incorporated, minimum sub-soil depth of 1.2m – 1.5m
- Emergency overflow points should be included in the system to accommodate events in excess of the design event, where required
- Site-specific selection of plant species is required

- Erosion control measures should be installed at inflow and outflow points, where required
- Where there is a high risk of contamination, sealed systems (use of an impermeable geotextile membrane) may be used in these areas for treatment and attenuation purposes prior to discharge to another system
- Adequate access must be provided to allow for inspection & maintenance

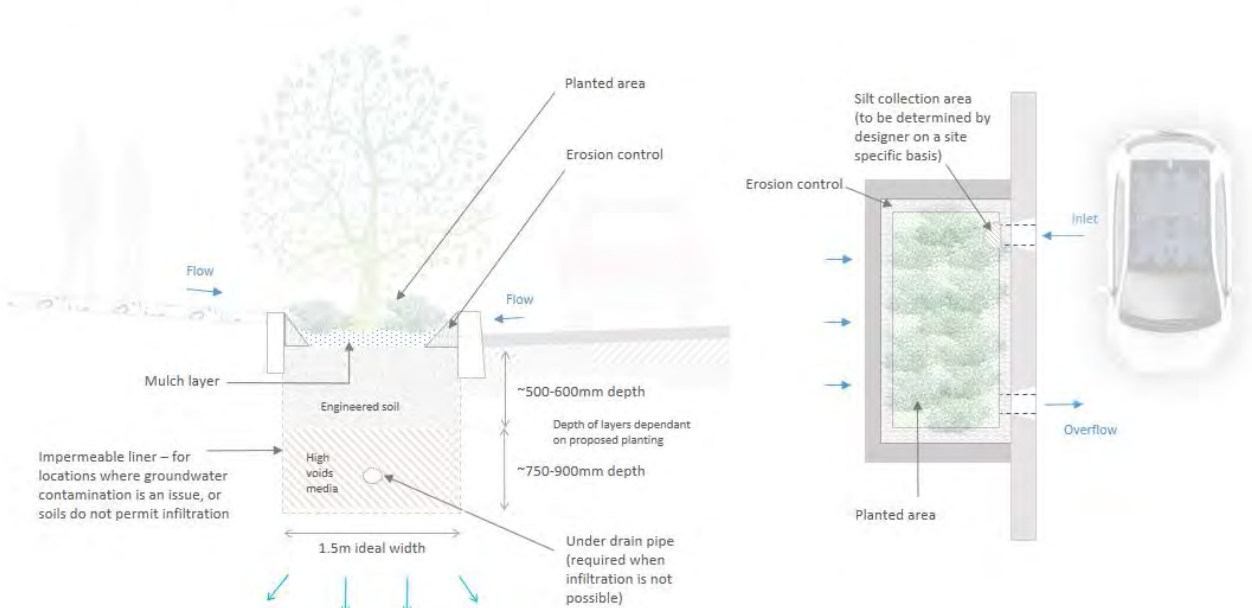
## Landscape/Biodiversity Design Requirements

- Selection of plant species to provide an attractive landscape and enhance biodiversity. The plants selected should be appropriate to the specific location of the SuDS features; ornamental varieties rather than locally native species may be more suited to urban/formal settings.
- Selection of plant species and features that contribute to 'local sense of place';

## Maintenance Requirements

- Regular inspections, including litter removal, inlet/outlet cleaning, vegetation management and removal of sediment

## STORMWATER PLANTER/RAIN GARDEN



## Example of Good Practice

### Ribblesdale Road, Nottingham

Retrofit of 21 linear rain gardens constructed within the grass verge of a residential area consisting of 67 properties, designed to capture runoff from highway and other areas totalling 7,100m<sup>2</sup>.

This scheme is designed to manage surface water runoff from a 1 in 30 storm event.



## Example of a stormwater planter/ rain garden

Image source: [www.susdrain.org](http://www.susdrain.org)

# Pond

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*Ponds provide attenuation of stormwater runoff and treatment. These features are designed to treat pollutants in runoff, while providing an enhanced ecological environment and amenity value.*

*Ponds, a permanent pool of water in an existing or constructed depression, are preferably separated into a series of smaller systems to provide both water quality and quantity controls.*

## Hydraulic Design Requirements

- Permanent pool volume must provide adequate volume for effective water quality treatment, with the total system achieving the Water Quality Treatment Volume
- Design of offline temporary storage to allow for flow attenuation in storm events
- 1.2m minimum depth for open water areas, 2m maximum depth of permanent pool
- Conveyance routes for runoff should be identified, with a slope of 1 in 300 minimum. to encourage flow under gravity
- If the purpose of the pond is to reduce flood risk, it should not be located in the floodplain.

## General Design Requirements

- Underlying soils should be sufficiently impermeable or an impermeable geotextile membrane may be used to maintain water levels in the pond
- An impermeable geotextile membrane should be used in areas at high risk of groundwater contamination
- Pre-treatment is required, preferably through a sedimentation forebay to limit silt accumulation
- Length to width ration of minimum 3:1
- Side slopes at maximum of 21 degrees

- Seasonal high groundwater table must be greater than 1m below the sub-base of the pond, or the outfall must be designed to be operational at the annual maximum water table level
- Aquatic safety shore should be provided at the edge of the pond, typically with maximum depth of 0.45m
- Public safety, particularly to children, must be considered in pond and wetland design

## Landscape/Biodiversity Design Requirements

- Selection of plant species should be appropriate to the specific location and conditions of the pond; locally native species should be planted in more naturalistic settings, ornamental planting may be more appropriate in formal/urban settings, but care must be taken to ensure invasive species are not introduced to the SuDS feature (see section 7.0 for more information)
- Design to contribute to 'local sense of place'

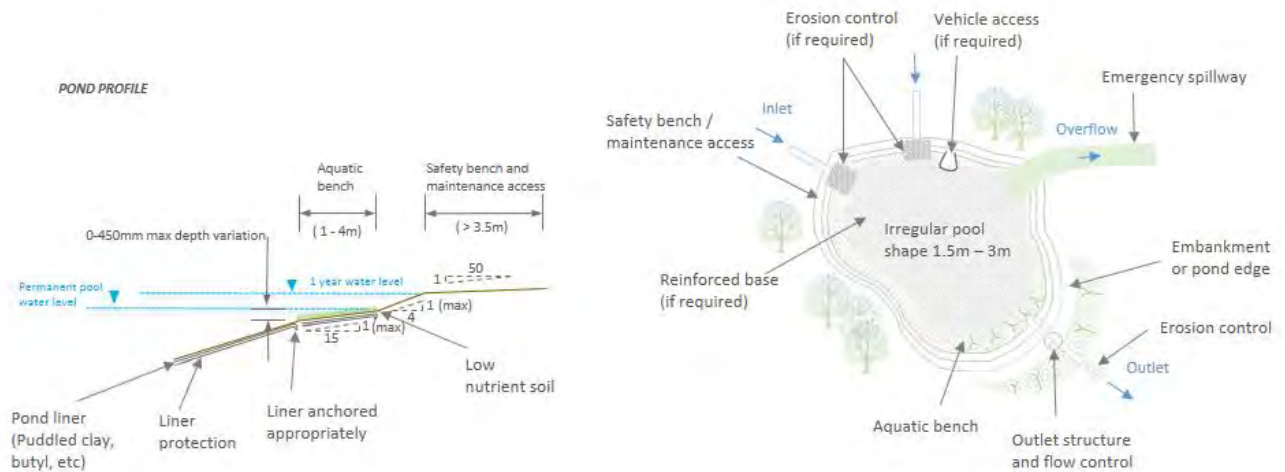
## Maintenance Requirements

- Regular inspections, including litter removal, inlet/outlet cleaning, vegetation management and removal of sediment
- Adequate access must be provided to allow for inspection & maintenance



## POND

Modified from CIRIA C697 Figures 17.1 to 17.2



## Example of Good Practice

### Blythe Valley Park, Solihull

Blythe Valley Park is a business park, covering 257 acres, which contains multiple SuDS systems of swales, ponds and wetlands.

The site lies on clay with little infiltration, therefore an attenuation system has been implemented that comprises of swales that feed through wet attenuation ponds, into constructed wetlands and 'polishing ponds', eventually discharging into either the Hawkeshaw Brook (west) or the Illshaw Brook (north).

This system is designed to attenuate the 1 in 100 year event, using balancing ponds to operate with base flows of pre-development greenfield runoff rates.



## Example of a pond

Image source: Arup

# Storage System: Geocellular or Tank

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*Geocellular storage systems are modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system. Tank storage systems are concrete or plastic systems, typically placed below ground which allow for attenuation of storm water to discharge to another system*

*These systems can be designed to meet site-specific requirements, operating as an attenuation system and/or a storage tank for rainwater reuse.*

## *Hydraulic Design Requirements*

- Storage volume should meet site-specific requirements for infiltration and/or discharge requirements
- Design of on- & off-line systems must comply with current guidelines.
- Seasonal high groundwater table must be greater than 1m below the sub-base for total and partial infiltration systems; and must be below the geotextile membrane liner for no infiltration systems

## *General Design Requirements*

- Adequate outflow piping must be provided, with appropriate use of geotextiles to prevent clogging
- Overflow points should be included in the system to accommodate events in excess of the design event, where required
- Appropriate selection of geotextiles to prevent clogging and meet treatment requirements
- Systems should be structurally design to accommodate proposed loading e.g. vehicular loading (vertical and lateral loading to be confirmed and approved by the adopting party)

- Complete creep tests and provide data and results to the adopting party before installing any geocellular systems.
- Upstream pre-treatment to be provided to limit the accumulation of silt, e.g. silt traps
- Systems must not be allowed to infiltrate in areas where there is a high risk of contamination, sealed systems (use of an impermeable geotextile membrane) may be used in these areas for treatment and attenuation purposes prior to discharge to another system
- Adequate access must be provided to allow for inspection & maintenance

## *Landscape/Biodiversity Design Requirements*

- Take opportunities to incorporate tree planting pits in appropriate locations that contribute to local amenity.
- Selection of tree species should be appropriate to the specific location

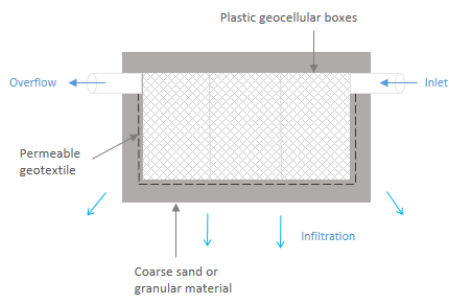
## *Maintenance Requirements*

- Regular inspection of all system parts (silt traps, manholes, pipework and pre-treatment devices), removal of silt and debris as required

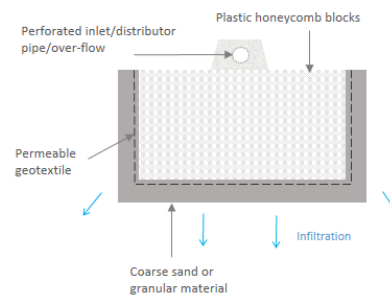
## GEOCELLULAR STORAGE

Modified from CIRIA C697 Figures 13.1 to 13.3

MODULAR BOX SYSTEM IN SOAKAWAY MODE



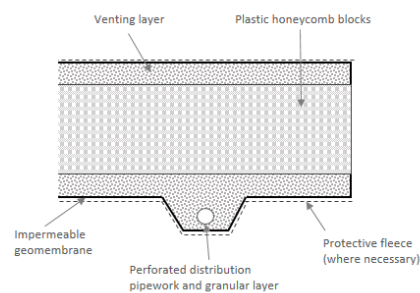
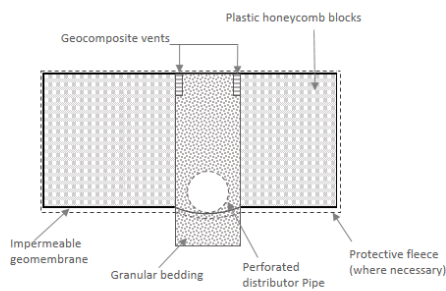
HONEYCOMB SYSTEM IN SOAKAWAY MODE



## GEOCELLULAR STORAGE (Non-soakaway)

Modified from CIRIA C697 Figure 13.4

HONEYCOMB SYSTEMS IN STORAGE/ATTENUATION MODE



## Example of Good Practice

### St. Mary's Way, Sunderland

Through the realignment and merging of St. Mary's Way and Livingstone Road, a new, tree-lined boulevard (green street) has been envisaged.

This scheme incorporates a SuDS system for management of water, comprising of 31 tree pits (large trees) with underlying geo-cellular storage in the form of soil cells.



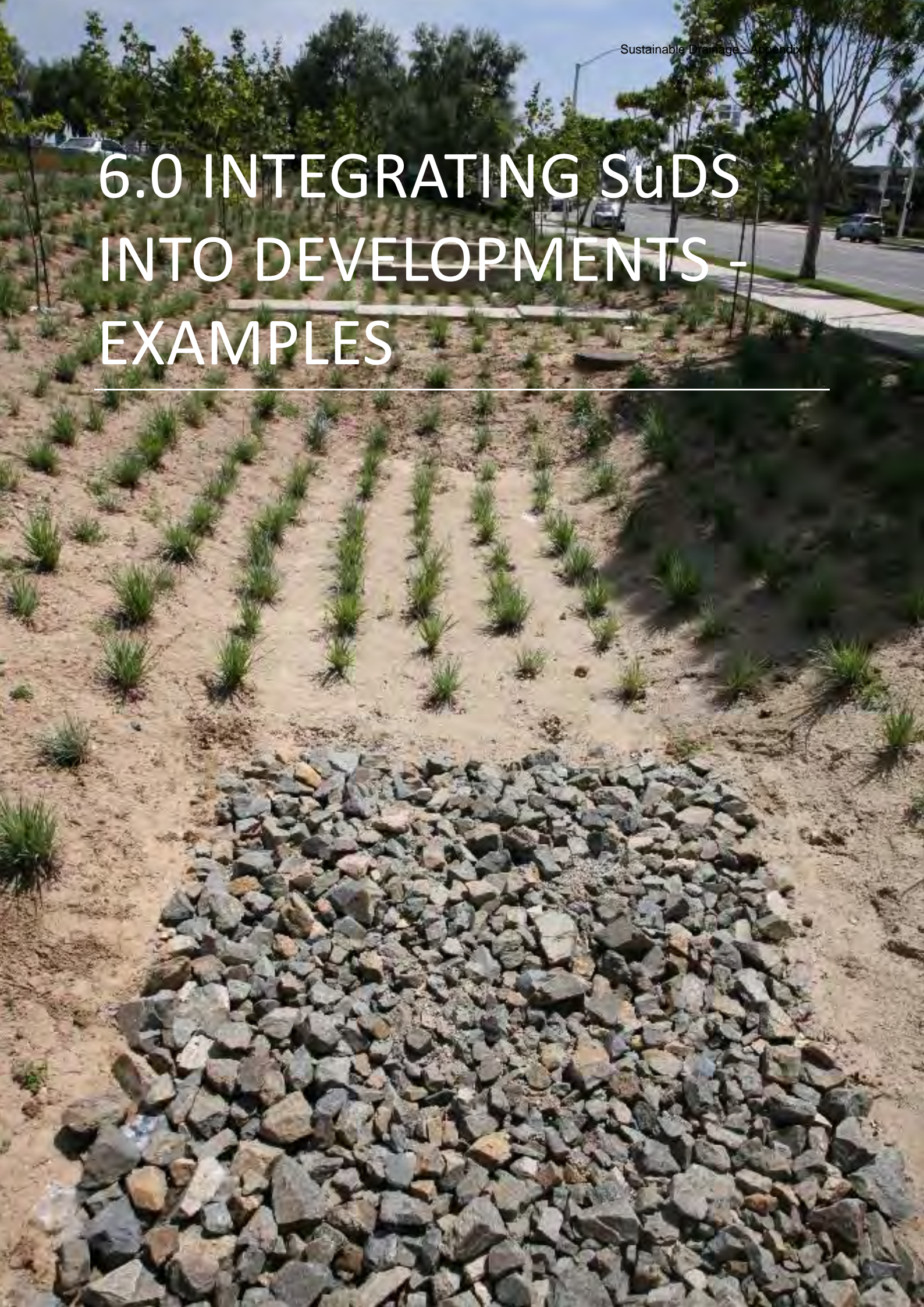
## Example of geocellular storage

Image source: Arup



# 6.0 INTEGRATING SuDS INTO DEVELOPMENTS - EXAMPLES

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# Integrating SuDS into Developments - Examples

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This section provides examples of the multiple SuDS that can be implemented across different types of development. These examples show that SuDS are applicable on all developments, and it is the selection of the appropriate SuDS features that is critical to their successful implementation.

## Density of Development

The proposed density of a development has a direct impact on the applicability of various types of SuDS features, which adds further weight to the importance of early consideration and integrated design with respect to SuDS.

High density developments<sup>51</sup> are often exposed to significant pressures on available area, which is often already constrained by other requirements (public open space, recreational activities). In these developments, selection and siting of SuDS features is key to successful implementation.

Low density developments may present site-specific constraints. However, these developments present a unique opportunity to incorporate multiple SuDS features, thereby enhancing treatment and providing additional amenity & biodiversity.

## Variation in Permeability of Underlying Soils

Underlying soil conditions and geology are important factors to be considered in the selection of appropriate SuDS features for any development, and flexibility in design can accommodate variations in ground conditions. Site-specific testing is recommended on all sites, at the appropriate stage of design, to determine the exact existing conditions. Every effort to select the most appropriate SuDS for the site should be made and therefore it is strongly recommended that site specific testing be carried out for all full planning applications.

While traditional SuDS features focus heavily on infiltration, there are many opportunities for SuDS in areas of poor infiltration. The range of benefits provided by SuDS can be achieved in some part on all developments, for example it is still possible to achieve attenuation, amenity value, enhanced biodiversity and increased storage in poor infiltrating soils.


















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<sup>51</sup> Further guidance and information is provided in the document 'Use of SuDS in High Density Developments', HR Wallingford Report SR 640.

Table showing suitable SuDS features under varying infiltration rates with recommended locations

	Infiltration Rate of Soils		Recommended Locations		
	Low	High	Private Space	Public Space	Highway Space
Soakaway		√	√	√	√
Green/brown roofs	√	√	√		
Filter drain	√	√	√	√	√
Swale	√	√	√	√	√
Wet swale	√	√	√	√	√
Permeable paving	√	√	√	√	
Permeable paving with underground geo-cellular storage	√	√	√	√	
Infiltration basin		√		√	
Detention basin	√			√	
Rain gardens	√	√	√	√	
Pond	√	√		√	
Underground geocellular storage	√	√	√	√	√
Underground storage tank	√	√	√	√	√
Rainwater harvesting tanks	√	√	√		
Controlled flow outlet	√			√	√
Over-sized pipe network	√				√

#### LEGEND

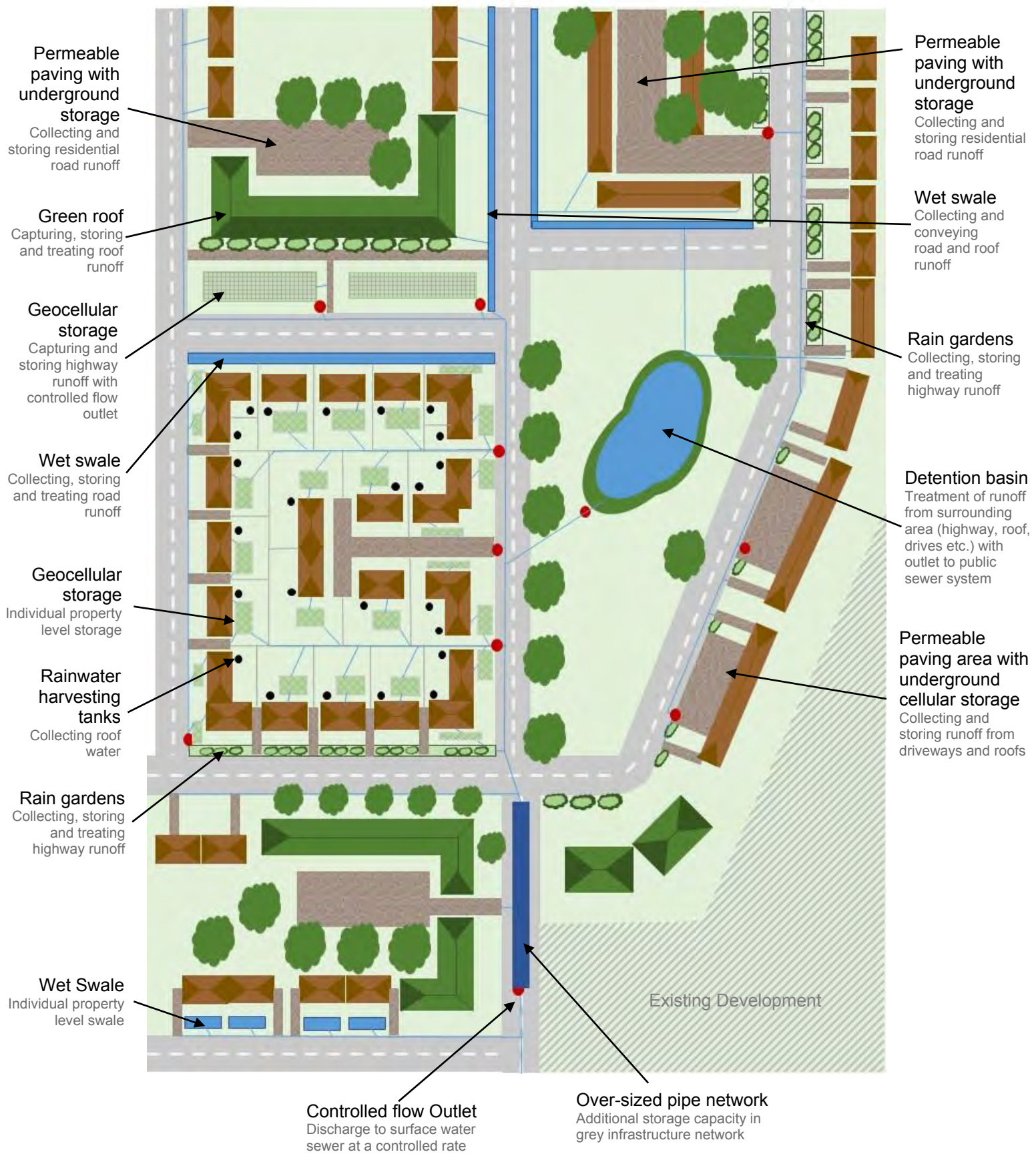
 Soft landscaping	 Over-sized pipe network	 Underground geocellular storage	 Infiltration/detention basin
 Impermeable paving	 Conventional roof	 Permeable paving	 Surface water pipe network
 Swale	 Green roof	 Permeable paving with underground geocellular storage	 Outlet flow control
 Wet swale	 Rainwater tank	 Indigenous trees/planting	
 Soakaway	 Rain garden		

## Example 1 - Development overlying soils with high infiltration rates





## Example 2 - Development overlying soils with low infiltration rates



# There's no excuse...

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If planned for early, there are limited cases where SuDS are not practicable nor viable. Common misconceptions are addressed below.

## Clayey soils prevent me from utilising SuDS

Ground conditions do not prevent the use of SuDS, only the choice of the system.

Although infiltration SuDS (soakaways etc.) are not suitable in clayey soils, the likes of swales, ponds and wetlands can still be implemented, with water stored at a high level.

## I'm in a floodplain or Flood Zone 2/3, I can't use SuDS

As drainage systems are required to function effectively in the 1 in 100yr plus climate change event; it is not appropriate to place SuDS features which are integral to balancing flow or contribute to system storage within a designated Flood Zone 3.

SuDS which provide surplus storage to the functional system (in addition to the required 1 in 100yr plus climate change storage), sole purpose is for improvements in water quality or is being used for additional amenity value only are appropriate to locate within a designated flood zone.

## I can't fit SuDS within my development

SuDS should be considered in all developments at an early stage. This allows for allocation of appropriate land take to accommodate adequate SuDS features that are technically appropriate for the environment in which they are to be placed.

High density developments are prime candidates for permeable paving, green roofs, rainwater storage and harvesting and swales. The importance of multi-functional spaces becomes more prevalent in high density developments as allocated park space (if considered early) can integrate SuDS elements.

Green/living roofs and walls may also be utilised as a source control feature, only in association with harvested rainwater or, with special planting, grey water sources.

## Groundwater contamination is an issue for my site

As already noted, ground conditions do not prevent the use of SuDS, only the choice of the system.

For example, if the site is at risk of groundwater or soil contamination the system should be lined with an impermeable geotextile liner. This impermeable geotextile liner may be removed, following receipt of evidence that demonstrates that the contaminants are not mobilised with surface water (leachability testing/hydrology modelling).

## Can SuDS be located in private areas?

Yes. Some methods are appropriate (e.g. permeable driveways), but responsibility for management of the systems must be identified. Normally responsibility for SuDS serving more than one property, should rest with a management company rather than individual house owners.

SuDS techniques that are more strategic (e.g. swales serving more than one or two properties) should not be located in private gardens.

## Shallow groundwater levels prevent me from utilising SuDS

SuDS should be selected and designed to be on the surface, or shallow in depth, to accommodate shallow groundwater.

Use of impermeable geotextile liners (such as a water proof membrane or compacted native clay) can be used to minimise infiltration from the surrounding groundwater.

In these instances, infiltration may be unsuitable. However, SuDS for attenuation or treatment purposes may still be integrated into the development.

## My site is too flat to incorporate SuDS

Whilst it is challenging to manage surface water runoff on flat sites, the best option is to keep surface water runoff on the surface as much as possible and to manage runoff close to its source. Water can be conveyed on the surface using roadside kerbs and shallow rills and swales, and a designer should explore all alternative means of conveyance before pumping.

## My site is too steep to incorporate SuDS

Steep slopes increase runoff velocity creating a challenge for SuDS. However, check dams and storage features can be used to slow runoff rates and accommodate infiltration and/or attenuation. Ponds and wetland features can also be staggered in a terraced arrangement on slopes.

## How do I prevent conflicts with existing on-site infrastructure?

The design process encourages an early understanding of existing conditions, including existing drainage assets which should be considered in SuDS design to find the most cost-effective solution. Other infrastructure, such as utilities, will need to be considered in SuDS design and construction. Selection of SuDS should reflect existing constraints, for example ponds and wetlands should be avoided in major utilities corridors, as access will require disturbance and rebuilding of the SuDS system.

Early consideration of the existing conditions and constraints should allow for the design of SuDS systems to accommodate existing infrastructure.

## How can I integrate SuDS with existing ecological areas?

Selection of appropriate SuDS features with suitable vegetation species can contribute to biodiversity and enhance ecology. SuDS should be designed to protect or enhance areas of interest, including designated areas for nature conservation, areas with protected species and locally important habitats, ensuring that the long-term maintenance does not harm or limit habitats.

# SuDS in Minor Developments

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Although legislation states that SuDS will be expected (from April 6<sup>th</sup> 2015) in all major developments, the NPPF prioritises SuDS for all development in areas at risk of flooding.

Consequently developers are prompted to implement SuDS on minor developments, adopting a similar design process and utilizing similar design principles and practices as those described in this guide.

## Retrofitting SuDS

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New development forms only a small part of the current urban areas. If retrofit SuDS can be incorporated into existing developed areas then the opportunities for delivering sustainable solutions that offer multiple benefits will be much greater.

The term retrofit is employed when SuDS-type approaches are intended to replace and/or augment an existing drainage system in a developed catchment.

Retrofitting of SuDS is actively encouraged as part of redevelopment proposals of brownfield sites and promoted as a means of mitigating flood risk in existing developments and improving the amenity and biodiversity value of an area

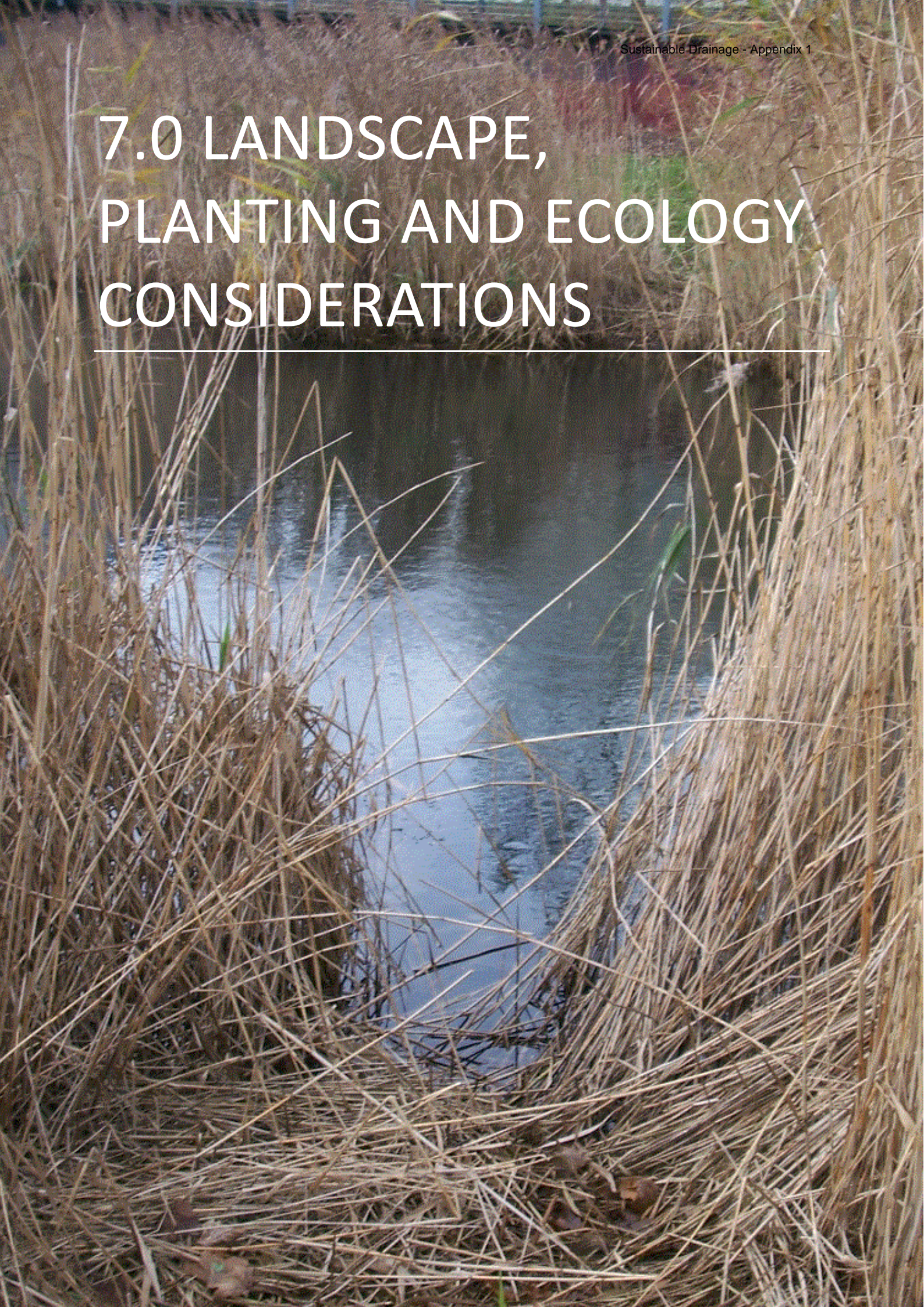
A selection of useful guidance and best practice examples are below:

- <http://www.ice.org.uk/getmedia/f5d871a3-907f-4041-ac50-25056fc8ca78/The-Challenges-and-Opportunities-with-Retrofitting-SuDS.aspx>
- <http://www.retrofit-suds.group.shef.ac.uk/>



# 7.0 LANDSCAPE, PLANTING AND ECOLOGY CONSIDERATIONS

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# Landscape, Planting and Ecology Considerations

SuDS features have the potential to combine flood attenuation and filtration with increased biodiversity, landscape, economic, societal and health benefits. SuDS should be designed to fit the local context.

Initially it is important to understand what is desired from an engineering perspective and then to both review and understand where ecology considerations occur as either constraints to the construction of SuDS features and/or where they can benefit local biodiversity e.g. SuDS can be used to great effect to enhance the local variety of natural and semi-natural habitats present, ready for colonisation by native species. This review should be done prior to designing the SuDS feature itself and should be integrated and developed alongside both the landscaping and engineering side of the design process to ensure early identification of any issues, which then can be addressed and to ensure biodiversity opportunities can be maximised. The process should also be linked to other schemes with biodiversity opportunities within Birmingham including, but not exclusive to:

- Birmingham and Black Country Nature Improvement Area<sup>52</sup>
- Birmingham and the Black Country Biodiversity Action Plan<sup>53</sup>
- Green Infrastructure Partnership
- Nature Conservation Strategy<sup>54</sup>

SuDS systems vary in size from large scale filtration processes with a series of large to moderate sized ponds with interconnecting

ditches to simple swales and both dry and wet systems are in existence. The majority of the biodiversity benefits come within the wet systems and are particularly valuable when they sit within an existing complex of habitats, and serve to add another valued habitat to this matrix. This should not discourage developers from designing biodiversity in SuDS schemes in small scale or more urban/formal/high-density developments, as local benefits can be achieved from all schemes if designed well.

Planting of any type – native or ornamental species – as part of a SuDS feature – will provide opportunities for wildlife (for example as sources of pollen and nectar for insects), and will add amenity value, and other benefits.

Often the more natural a system looks the more it fits within its local landscape and the more likely it is to be successful in terms of the plant and animal species that colonise it later.

## *Principles to increase biodiversity value include:*

1. Avoid use of nutrient rich topsoil - This can help:
  - Alleviate downstream algal blooms.
  - Assist with natural colonisation by desired plant species and reduce the potential for undesired species.
  - Allow a greater number of faunal species to persist.

<sup>52</sup> <http://www.bbcwildlife.org.uk/NIA>

<sup>53</sup>

<http://www.bbcwildlife.org.uk/sites/default/files/bbcbapfinal2010.pdf>

<sup>54</sup>

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&c>

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&c>

2. Allow natural colonization, or if planting must occur then incorporate use of locally native species (check local flora's for advice e.g. Trueman et al. 2013. Flora of Birmingham and the Black Country. Pisces Publications and the Birmingham City Council EcoRecord<sup>55</sup>) - This can help:
  - Avoid the potential for invasive\* species, to be inadvertently planted.
  - Ensure success of the planting which grows, it may take a little longer but will be correct for the conditions present and used to/ tolerant of the local conditions.
3. Ensure plants are from reputable nurseries, which guarantee no invasive species are inadvertently present in planting.
4. Maximise the provision for systems to hold between 500mm to 100mm, noting that the top 100mm of water supports the most lifeforms.
  - Reduce the potential for pollutant retention and build up.
  - Increase the local biodiversity interest.
5. Separate clean and dirty water systems e.g. those collecting and attenuating clean rainwater and those collecting road or car park run off (which may contain hydrocarbons). Also incorporate pollution interceptors where required as despite certain plants having cleansing properties, certain plants cannot remove all polluting material.
6. Design systems that run from dirtier to cleaner water, to reduce pollution when these connect to natural systems.
7. Where nutrient rich soils e.g. areas of amenity grassland or planting beds that are fertilised regularly are adjacent to such systems, design in buffer strips, to absorb the nutrients before they cause run off.
8. Avoid over landscaping and making everything look tidy, uneven edges and undulating topography can allow drainage features to provide for a wider variety of plants and animals.
9. Ensure drainage control features such as weirs do not present areas of entrapment for species such as amphibians or small mammals, there are several resource options to help prevent this, but the best way is to consider the potential early on in design process.
10. Provide a variety of open, lightly shaded and shaded areas to increase the diversity of habitats available.
11. Incorporate areas of dead wood into the wet areas to provide additional valuable habitat for a host of species – particularly for dragonflies and other insect species.
12. Be prepared to amend and review designs and planting at least in year 1 and 2. This will allow:
  - Identification of any inadvertent introduction of invasive species (which can be then prescribed for control or management).
  - Ability to modify edges and to identify further management prescriptions and amend the habitats to ensure the benefits are maximised for biodiversity.
  - Understand how the system is functioning in terms of the anticipated benefits.

*\*Invasive species in this context relate to those listed on Schedule 9 Part 2, Section 14 of the Wildlife and Countryside Act 1981 (as amended). It is illegal to cause the listed plant species to spread in the wild. A further amendment to this legislation currently prevents the sale of some of these species. The invasive plant species are listed on page 66 as plant species to be avoided in planting schemes.*

<sup>55</sup> <http://www.ecorecord.org.uk/>

## Planting Species

The following species list is considered suitable for planting in a variety of SUDs (retention ponds, infiltration basins, swales and filter strips etc.) in the Birmingham area. They have been selected for their relevance to Birmingham's natural vegetation, their biodiversity benefits and their need for little regular maintenance. Plants and seeds should ideally be locally sourced or, as a minimum, UK origin and grown.

This list is not exhaustive and the exact choice should relate to site-specific design and conditions, such as soil types, microclimate, sun / shade, orientation, exposure and existing local habitats. Designs that aim to create a range of plant communities and habitats across a scheme are favourable.

**Aquatics** - Submerged and floating plants.  
Plant with weights or weighted down in permanently wet zone.

- *Potamogeton pectinatus* (Fennel Pondweed)
- *Potamogeton natans* (Broad-leaved Pondweed)
- *Myriophyllum spicatum* (Spiked Water-milfoil)
- *Sparganium emersum* (Unbranched Bur-reed)
- *Ceratophyllum demersum* (Hornwort)
- *Hippuris vulgaris* (Mare's-tail)
- *Potamogeton crispus* (Curled Pondweed)

**Dry zone** - Plant on upper slopes and bank-top as seed.

- *Festuca rubra* (Red Fescue)
- *Anthoxanthum odoratum* (Sweet Vernal-grass)
- *Cynosurus cristatus* (Crested Dog's-tail)
- *Briza media* (Quaking-grass) – prefers calcareous conditions
- *Deschampsia cespitosa* (Tufted Hair-grass)
- *Prunella vulgaris* (Selfheal)
- *Rhinanthus minor* (Yellow-rattle)
- *Filipendula ulmaria* (Meadowsweet)
- *Lathyrus pratensis* (Meadow Vetchling)
- *Lotus corniculatus* (Common Bird's-foot-trefoil)
- *Centaurea nigra* (Common Knapweed)
- *Plantago lanceolata* (Ribwort Plantain)
- *Potentilla anserina* (Silverweed)
- *Rumex acetosa* (Common Sorrel)
- *Knautia pratensis* (Field Scabious)
- *Leucanthemum vulgare* (Oxeye Daisy)

**Damp zone** - Inundation-tolerant, plant up to 250mm above anticipated normal water level as plugs in groups of 5-10Nr plants to create stands

- *Caltha palustris* (Marsh-marigold)
- *Veronica beccabunga* (Brooklime)
- *Angelica sylvestris* (Wild Angelica)
- *Lythrum salicaria* (Purple-loosestrife)
- *Lotus pedunculatus* (Greater Bird's-foot-trefoil)
- *Lycopus europaeus* (Gypsywort)
- *Myosotis scorpioides* (Water Forget-me-not)
- *Nasturtium officinale* agg. (Water-cress)
- *Berula erecta* (Lesser Water-parsnip)
- *Lychnis flos-cuculi* (Ragged-Robin)
- *Mentha aquatica* (Water Mint)
- *Cardamine pratensis* (Cuckooflower)
- *Ranunculus flammula* (Lesser Spearwort)
- *Juncus articulatus* (jointed Rush)
- *Stachys palustris* (Marsh Woundwort)
- *Scrophularia auriculata* (Water Figwort)

**Wet zone** – Emergent vegetation, plant in 0-250mm of water, planted as plugs to create stands in groups of 5-10N°.

- *Potamogeton pectinatus* (Fennel Pondweed)
- *Potamogeton natans* (Broad-leaved Pondweed)
- *Myriophyllum spicatum* (Spiked Water-milfoil)
- *Sparganium emersum* (Unbranched Bur-reed)
- *Ceratophyllum demersum* (Hornwort)
- *Hippuris vulgaris* (Mare's-tail)
- *Potamogeton crispus* (Curled Pondweed)

The following plants are deemed to be unsuitable for SuDS or are classified as invasive species (\*) and should not be used.

**Unsuitable or invasive species – To be avoided in all developments**

- *Phragmites australis* (Common Reed) – NB - This is suitable for large-scale schemes or designated filtration beds
- *Typha latifolia* (Bulrush / Greater Reedmace)
- *Carex pendula* (Pendulous Sedge)
- *Persicaria amphibia* (Amphibious Bistort)
- *Apium nodiflorum* (Fool's-water-cress)
- *Sparganium erectum* (Branched Bur-reed)
- *Glyceria fluitans* (Floating Sweet-grass)
- *Glyceria maxima* (Reed Sweet-grass)
- *Phalaris arundinacea* (Reed Canary-grass)
- *Impatiens glandulifera* (Himalayan Balsam)\*
- *Azola filiculoides* (Water Fern)\*
- *Crassula helmsii* (New Zealand Pigmyweed / Australian Swamp Stonecrop)\*
- *Myriophyllum aquaticum* (Parrot's-feather)\*
- *Hydrocotyle ranunculoides* (Floating Pennywort)\*
- *Ludwigia peploides* (Creeping Water Primrose)\*
- *Lysichiton americanus* (American Skunk-cabbage)
- *Lagarosiphon major* (Curly Waterweed)\*
- *Mimulus guttatus* (Monkeyflower)
- *Elodea canadensis* (Canadian Waterweed)\*
- *Elodea nuttallii* (Nuttall's Waterweed)\*

It should be noted that SuDS that incorporate planting should be included in all planting condition proposals and shown on all planting plans.

Where drainage features require easements and/or specific layout arrangements these should be illustrated on planting plans in a similar way to visibility splays.

Where there are drainage features require restrictions on planting, selection of appropriate plant species is encouraged.

To ensure successful implementation of SuDS, landscape masterplans incorporating SuDS features will be required.



# 8.0 OPERATION & MAINTENANCE

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# Operation and Maintenance

A major consideration when designing and implementing SuDS is to ensure that the solutions proposed can be maintained easily over the lifetime of the development, and that maintenance considerations and costs are planned for upfront.

PPG<sup>56</sup> states *'When planning a sustainable drainage system, developers need to ensure their design takes account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.'*

Ease of maintenance will impact the adoption process and will affect the determination of planning applications.

In considering planning applications, the LPA must ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

## Operation and Maintenance Plan

An **operation and maintenance plan** is required to be developed and submitted with all proposed developments at all levels of application.

In making every effort to simplify and provide support to the user of this guide, Birmingham City Council has provided an 'Operation & Maintenance Pro-forma' to support the user in development of an Operation & Maintenance Plan. This document can be found in Appendix D.

### Full Planning Applications

An operation and maintenance plan for a full planning application should include:

- Details of the party responsible for maintenance of each feature.
- A specification for inspection and maintenance actions, including frequency of maintenance tasks required for each proposed SuDS, setting out a minimum standard to which the SuDS system must be maintained.
- Details of additional cleansing, repair and maintenance following flooding events where SuDS features are located in a designated flood zone.
- Proposed arrangements for adoption/ownership to secure the operation of the scheme throughout its lifetime.
- Where SuDS features are attached to private property, confirmation of any associated maintenance/adoption/ownership requirements should be provided. For example, if SuDS features are to be included in property deeds, or if householders are required to pay into a communal fund to fund ongoing maintenance.
- Details of proposed contingency plans for failure of any part of the drainage system that could present a hazard to people.

### Outline Planning Applications

An outline planning application should include as much detail as possible covering the points highlighted for full applications. However, should at minimum, outline an understanding of inspection and maintenance tasks that would be required.

<sup>56</sup>

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>



It should provide information regards potential party responsibilities for SuDS maintenance, adoption and ownership, but these do not need to have been confirmed at this stage.

It is also unlikely that a specification for inspection and maintenance would be available at this stage.

### *Pre-Application Engagement*

There is no mandatory pre-application process however, if it is anticipated that maintenance issues may be a significant hindrance to a proposed SuDS solution advice can and should be sought early.

## **Maintenance Options, Risks and Safeguards**

There are many options that will allow the successful operation and maintenance of a SuDS feature for the lifetime of the development.

With each maintenance option there may be associated risks for the onsite and surrounding land and property owners; LPA, LHA and LLFA should the chosen maintenance option become compromised.

Birmingham City Council encourage developers to determine the most appropriate maintenance option reflective of the site-specific SuDS features.

For example, if the SuDS solution consists of an attenuation tank and flow control valve

connecting into the existing offsite drainage infrastructure, then the most appropriate maintenance body may be the relevant sewerage undertaker responsible for the offsite system.

In an effort to mitigate the associated risks with some maintenance options the LPA may require a number of safeguards to be implemented. For example, where SuDS systems are provided within private property, the LPA may require that the SuDS system be incorporated into the property deeds.

## **Safety and Access**

Consideration should always be given to safety in design and appropriate consideration of access during the design of SuDS.

CDM Regulations 2015 must also be considered and applied to the planning, design and construction and long term maintenance of SuDS systems.





## 9.0 ADOPTION PROCESS



# Adoption Process

As of April 6<sup>th</sup> 2015, planning applications must ensure that there are clear arrangements in place for ongoing maintenance over the *'lifetime of the development'*.<sup>57</sup>

*Birmingham City Council defines the lifetime of a development as 100 years (supported by the NPPF definition<sup>58</sup>), or until the development is redeveloped or significantly re-engineered so as to alter the surface water discharge regime*

Birmingham City Council believe that the adoption of SuDS is critical to the successful implementation of these features, therefore it is critical that the most appropriate party adopt the feature.

## Adoption Parties

It is the responsibility of the developer to ensure that SuDS are maintained for the lifetime of the development, and in doing so

the developer may wish to seek to have these features adopted. Potential adopting parties include, but are not exclusive to:

- Private management companies and trusts;
- Severn Trent Water;<sup>59</sup>
- Birmingham City Council; and,
- Future land owners.

Due to the potential use of traditional SuDS features and bespoke site-specific SuDS features, it is critical that an agreement be reached between the developer and the adopting party to ensure the management of SuDS for the lifetime of the development.

Birmingham City Council recommend that the developer consider the following when selecting an appropriate adoption party:

- Siting and selection of the SuDS features
- Benefitting parties of the SuDS features
- Operation & maintenance requirements
- Available access points
- Land ownership

In the instance where the adopting party's ability to continue operation & maintenance of the SuDS feature(s) is compromised, and the operation & maintenance routine is no longer active, Birmingham City Council may revert to those parties benefitting from the feature for all ongoing & future operation and maintenance requirements.

<sup>57</sup>

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

<sup>58</sup>

<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/the-exception->

[test/what-is-considered-to-be-the-lifetime-of-development-in-terms-of-flood-risk-and-coastal-change/](http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/what-is-considered-to-be-the-lifetime-of-development-in-terms-of-flood-risk-and-coastal-change/)

<sup>59</sup> STW are not in a position to adopt all SuDS features at this time, currently STW will adopt underground tanks with flow control features only.

## Potential Adoption Options with Birmingham City Council

The council acknowledge that this presents a unique challenge and wish to offer guidance on a number of potential options and scenarios that may ensure SuDS are adopted and managed effectively for the lifetime of the development.

With respect to some typical locations for SuDS, the following options may be available with Birmingham City Council undertaking the role of the adopting party. All adoption agreements will be considered on a site-specific basis and the LPA may place some safeguards to ensure the success of the SuDS feature.

### **Inclusion of SuDS in public open space**

- Commuted sum for an appropriate number of years respective to the SuDS feature, and acceptable to BCC
- Advance payment scheme; Bond/cost equivalent
- Management agreement between the developer, the Council and the adopting party

### **Inclusion of SuDS in privately owned space**

- BCC are not willing to adopt SuDS features located in this location and encourage the developer to seek an alternative adoption party, for example a management agreement between developer and future land owner or between developer and named maintenance company

### **Inclusion of SuDS in new, adoptable highway**

- Commuted sum for an appropriate number of years respective to the SuDS feature, and acceptable to BCC
- Management agreement between the developer, the Council and the adopting party

### **Inclusion of SuDS within new private highway**

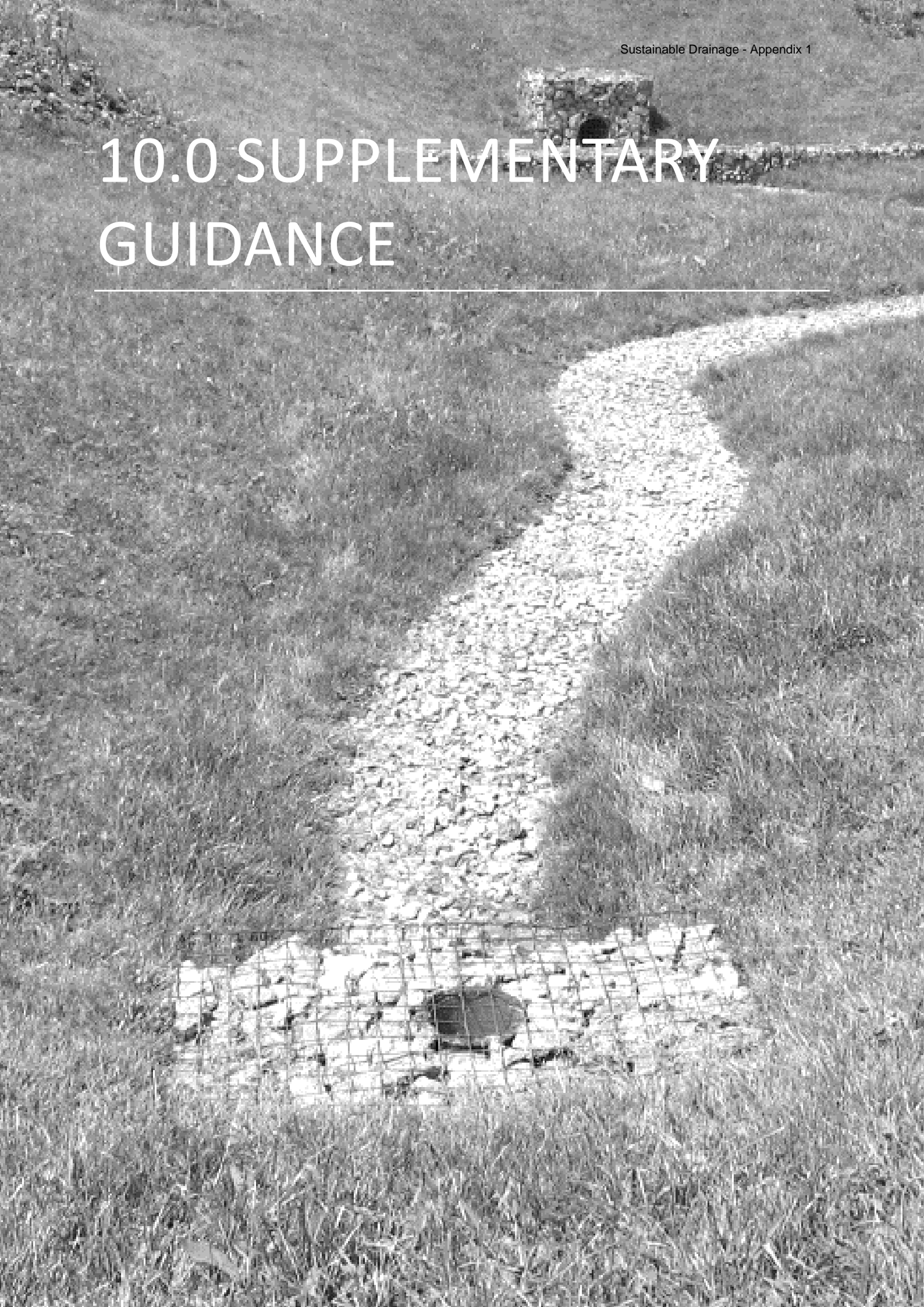
- Advance payment scheme; Bond/cost equivalent
- Management agreement between developer and named maintenance company

### **Inclusion of SuDS through changes to the existing highway**

- Commuted sum for an appropriate number of years respective to the SuDS feature, and acceptable to BCC
- Management agreement between the developer, the Council and the adopting party

# 10.0 SUPPLEMENTARY GUIDANCE

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## Supplementary Guidance

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A number of guidance documents have already been released by a large number of organisations. Existing guidance (as appropriate) should be referenced and utilised where necessary and this guide should not be used as a replacement for more in depth knowledge showcased by others.

A non-exhaustive list of current (at time of publication) and relevant guidance is detailed below:

- CIRIA The SuDS Manual. C697.
- CIRIA Site handbook for constructing SuDS. C698.
- CIRIA Structural design of modular geocellular drainage tanks. C680.
- CIRIA Source control using constructed pervious surfaces. C582
- CIRIA Rainwater and greywater reuse in buildings: best practice guidance. C539.
- CIRIA Designing for exceedance in urban drainage – good practice. C635.
- CIRIA Building greener. Guidance on the use of green roofs, green walls and complementary features on buildings. C644.
- DEFRA WT1505, WSP Final Surface Water Drainage Report (2013)
- British Standard BS 7533-13: 2009. Pavements constructed with clay, natural stone or concrete pavers – Part 13: Guide for the design of permeable pavements constructed with concrete paving blocks and fl ags, natural stone slabs and setts and clay pavers.
- Interpave - Guide to the Design, Construction and Maintenance of Concrete Block Permeable Pavements
- Interpave - Understanding Permeable Paving
- Environment Agency Green roof tool kit.
- Kellagher RBB and Lauchlin CS Use of SuDS in high density developments, defining hydraulic performance criteria. HR Wallingford Report SR 640.
- Kellagher RBB and Lauchlin CS Use of SuDS in high density developments, guidance manual. HR Wallingford Report SR 666.
- The Water Performance Directive 2000/60/EC.
- National Planning Policy Framework and December 2014 Written Ministerial Statement
- Planning Practice Guidance and related Technical Standards for Sustainable Drainage
- Building Regulations Part H, Drainage and Waste Disposal.
- Biodiversity Action Plans.
- Environment Agency Pollution Prevention Guideline PPG 3.
- Environment Agency Drainage Details.
- Highway Agency Drainage and Construction Details.
- BRE 365 Soakaway design guide
- [www.susdrain.org](http://www.susdrain.org)

All features designed within Birmingham City Council jurisdiction should be in accordance with The SuDS Manual (CIRIA, C697).

# Glossary

Term	Meaning / Definition
Aquifer	A source of groundwater comprising water-bearing rock, sand or gravel capable of yielding significant quantities of water.
Brownfield site	Any land or site that has been previously developed <sup>60</sup> .
Catchment	An area of land that contributes flow to a particular point.
Climate change	Long-term variations in global temperature and weather patterns both natural and as a result of human activity (anthropogenic) such as greenhouse gas emissions
Combined sewer	A combined sewer system is a sewer that accepts storm water, sanitary water/sewage, and industrial waste water.
Culvert	A structure which fully contains a watercourse as it passes through an embankment or below ground.
Department for Environment, Food and Rural Affairs	Department for Environment, Food and Rural Affairs.
Development	The undertaking of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land.
Development plan	As set out in Section 38(6) of the Planning and Compulsory Purchase Act (2004), an authority's development plan consists of the relevant regional spatial strategy (or the spatial development strategy in London) and the development plan documents contained within its local development framework.
Discharge	Rate of flow of water.
Environment Agency	Government Agency responsible for flooding issues from main river, and strategic overview of flooding.
Flood event	A flooding incident usually in response to severe weather or a combination of flood generating characteristics.
Flood risk	The combination of the flood probability and the magnitude of the potential consequences of the flood event.
Flood Risk Assessment	An appraisal of the flood risks that may affect development or increase flood risk elsewhere.
Flood Zones	Flood Zones provide a general indication of flood risk, mainly used for spatial planning.
Floodplain	An area of land that would naturally flood from a watercourse, an estuary or the sea.
Flood and Water Management Act	The Flood and Water Management Act clarifies the legislative framework for managing surface water flood risk in England.
Floodwater	Excess runoff that cannot be stored or conveyed safely.
Fluvial flooding	Flooding caused by a river.
Freeboard	A vertical distance that allows for a margin of safety to account for uncertainties.
Geocellular storage systems	Modular plastic systems with a high void ratio, typically placed below ground which allow for storage of storm water to infiltrate or discharge to another system.

<sup>60</sup> <http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>



Geotextiles	Permeable fabrics used in association with soil that have the ability to separate, filter, reinforce, protect, or drain.
Greenfield	Undeveloped land.
Greenfield runoff rate	The rate of runoff which would occur from a site that was undeveloped and undisturbed.
Groundwater	Water that exists beneath the ground in underground aquifers and streams.
Groundwater flooding	Flooding caused by groundwater rising and escaping due to sustained periods of higher than average rainfall (years) or a reduction in abstraction for water supply.
Highway Authority	A local authority responsible for the maintenance and drainage of highways maintainable at public expense.
Local Authority	An administrative unit of local government
Local Flood Risk Management Strategy	Strategy outlining the Local Authorities approach to local flood risk management as well as recording how this approach has been developed and agreed.
Local Planning Authority	Body responsible for planning and controlling development, through the planning system.
Main River	A watercourse designated on a statutory map of Main rivers, maintained by Department for Environment, Food and Rural Affairs (Defra).
Mitigation measure	A generic term used in this guide to refer to an element of development design which may be used to manage flood risk to the development, or to avoid an increase in flood risk elsewhere.
Model	A representation of the environment. This is often undertaken using a computer software package that performs hydraulic calculations, but can also be undertaken by constructing a physical representation of an environment.
National Planning Policy Framework	Framework setting out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
Overland Flow	Flooding caused by surface water runoff when rainfall intensity exceeds the infiltration capacity of the ground, or when the soil is so saturated that it cannot accept any more water.
Pitt Review	An independent review of the 2007 summer floods by Sir Michael Pitt, which provided recommendations to improve flood risk management in England.
Redevelopment	The construction of new development on land which is, or has been, developed (brownfield).
Runoff	Overland flow as well as rainfall that flows over an impermeable surface
Source Protection Zone	Defined areas showing the risk of contamination to selected groundwater sources used for public drinking water supply.
Strategic Flood Risk Assessment	A study to examine flood risk issues on a sub-regional scale, typically for a river catchment or local authority area during the preparation of a development plan.
Surface water flooding	Flooding caused by the combination of pluvial flooding, sewer flooding, flooding from open channels and culverted urban watercourses and overland flows from groundwater springs.
Surface Water Management Plan	A study undertaken in consultation with key local partners to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term.
Sustainable Drainage Systems	A sequence of management practices and control structures that are designed to drain surface water in a more sustainable manner.
Watercourse	Any natural or artificial channel that conveys surface water.
Water table	The level below which the ground is saturated with water.

## APPENDIX A: Non-Statutory Technical Standards

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No.	<u>Sustainable Drainage Systems</u> <u>Non-Statutory Technical Standards</u> <u>for Sustainable Drainage Systems</u> <u>(Published by Defra March 2015)</u>	Birmingham City Council requirements
<b>FLOOD RISK OUTSIDE THE DEVELOPMENT</b>		
S1	Where the drainage system discharges to a surface water body that can accommodate uncontrolled surface water discharges without any impact on flood risk from that surface water body (e.g. the sea or a large estuary) the peak flow control standards (S2 and S3 below) and volume control technical standards (S4 and S6 below) need not apply.	This condition will not be applicable to the surface water bodies in Birmingham.
<b>PEAK FLOW CONTROL</b>		
S2	For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.	<p>As stated in the National Standard, until such times as the (emerging) TP6 Policy comes into effect.</p> <p>Under TP6, all sites requiring a site-specific FRA and/or Sustainable Drainage Assessment, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.</p>
S3	For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.	<p>As stated in the National Standard, until such times as the (emerging) TP6 Policy comes into effect.</p> <p>Under TP6, all sites requiring a site-specific FRA and/or Sustainable Drainage Assessment, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.</p>
<b>VOLUME CONTROL</b>		
S4	Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.	<p>As stated in the National Standard, until such times as the (emerging) TP6 Policy comes into effect.</p> <p>Under TP6, all sites requiring a site-specific FRA and/or Sustainable Drainage Assessment, surface water discharge rates shall be limited to the equivalent site-specific greenfield</p>

		runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.
S5	Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.	<p>As stated in the National Standard, until such times as the (emerging) TP6 Policy comes into effect.</p> <p>Under TP6, all sites requiring a site-specific FRA and/or Sustainable Drainage Assessment, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.</p>
S6	Where it is not reasonably practicable to constrain the volume of runoff to any drain, sewer or surface water body in accordance with S4 or S5 above, the runoff volume must be discharged at a rate that does not adversely affect flood risk.	As a minimum, for the range of annual flow rate probabilities up to and including the one per cent annual exceedence probability (1 in 100 years) event, including an appropriate allowance for climate change, the developed rate of run-off into a watercourse, or other receiving water body, should show a minimum of a 20% reduction in peak flows between the existing and developed scenarios. Developers are, however, strongly encouraged to further reduce runoff rates from previously-developed sites as much as is reasonably practicable.
<b>FLOOD RISK WITHIN THE DEVELOPMENT</b>		
S7	The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.	As National Standard.
S8	The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity	As National Standard.

S9	The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.	As National Standard.
<b>STRUCTURAL INTEGRITY</b>		
S10	Components must be designed to ensure structural integrity of the drainage system and any adjacent structures or infrastructure under anticipated loading conditions over the design life of the development taking into account the requirement for reasonable levels of maintenance.	As National Standard.
S11	The materials, including products, components, fittings or naturally occurring materials, which are specified by the designer must be of a suitable nature and quality for their intended use	As National Standard.
<b>DESIGNING FOR MAINTENANCE CONSIDERATIONS</b>		
S12	Pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.	As National Standard.
<b>CONSTRUCTION</b>		
S13	The mode of construction of any communication with an existing sewer or drainage system must be such that the making of the communication would not be prejudicial to the structural integrity and functionality of the sewerage or drainage system.	As National Standard.
S14	Damage to the drainage system resulting from associated construction activities must be minimised and must be rectified before the drainage system is considered to be completed.	As National Standard.

## APPENDIX B: Zoning Maps

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# NorthField (West)

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



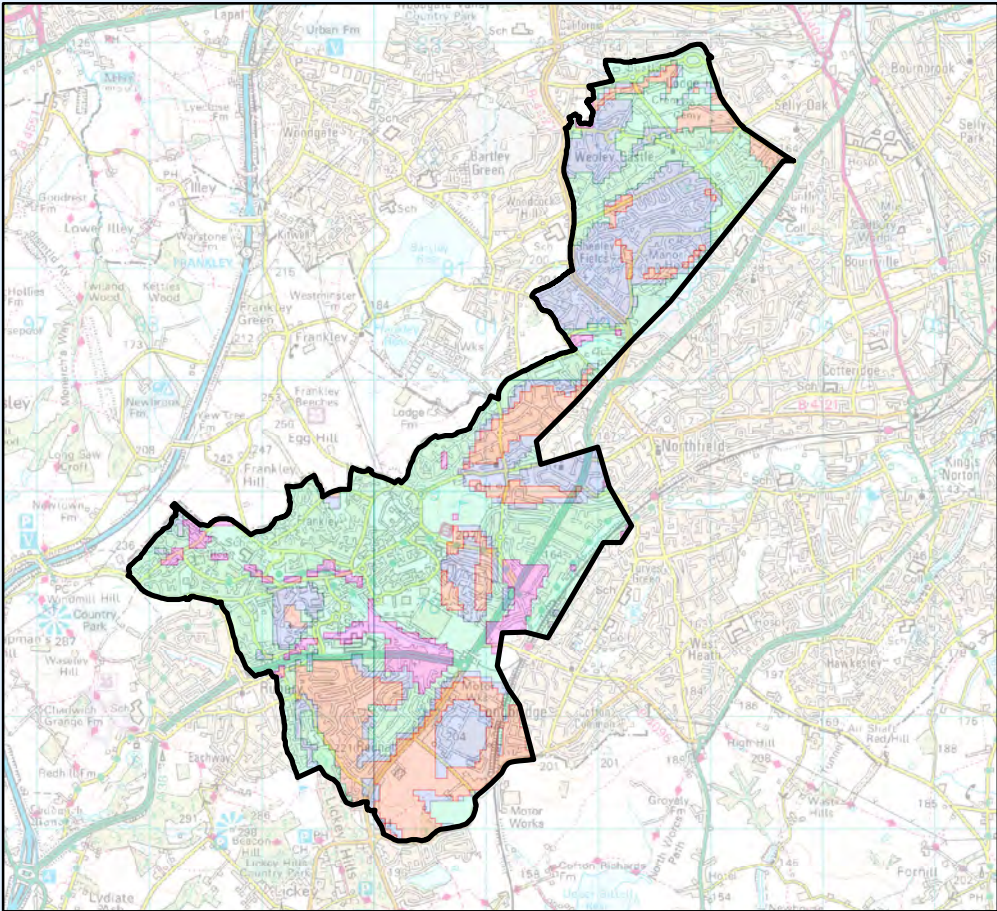
Groundwater Contamination



Groundwater Flood Risk

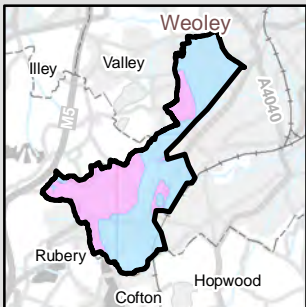


## DRAINAGE SUMMARY



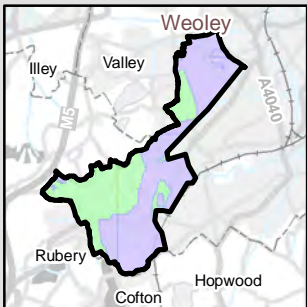
- Legend**
- Highly compatible for infiltration SuDS
  - Opportunities for bespoke infiltration SuDS
  - Probably compatible for infiltration SuDS
  - Very significant constraints are indicated

Groundwater Contamination



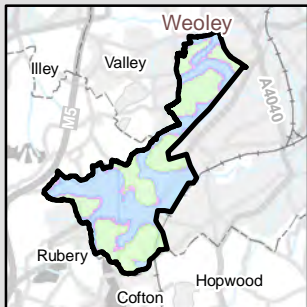
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

Predominant Flow Type



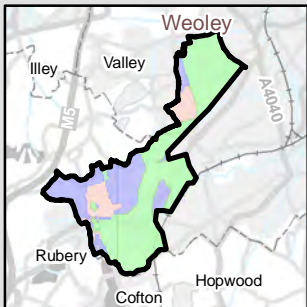
- Fracture flow
- Intergranular or mixed flow

Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# NorthField (East)

SuDS development within this area should give primary consideration to:

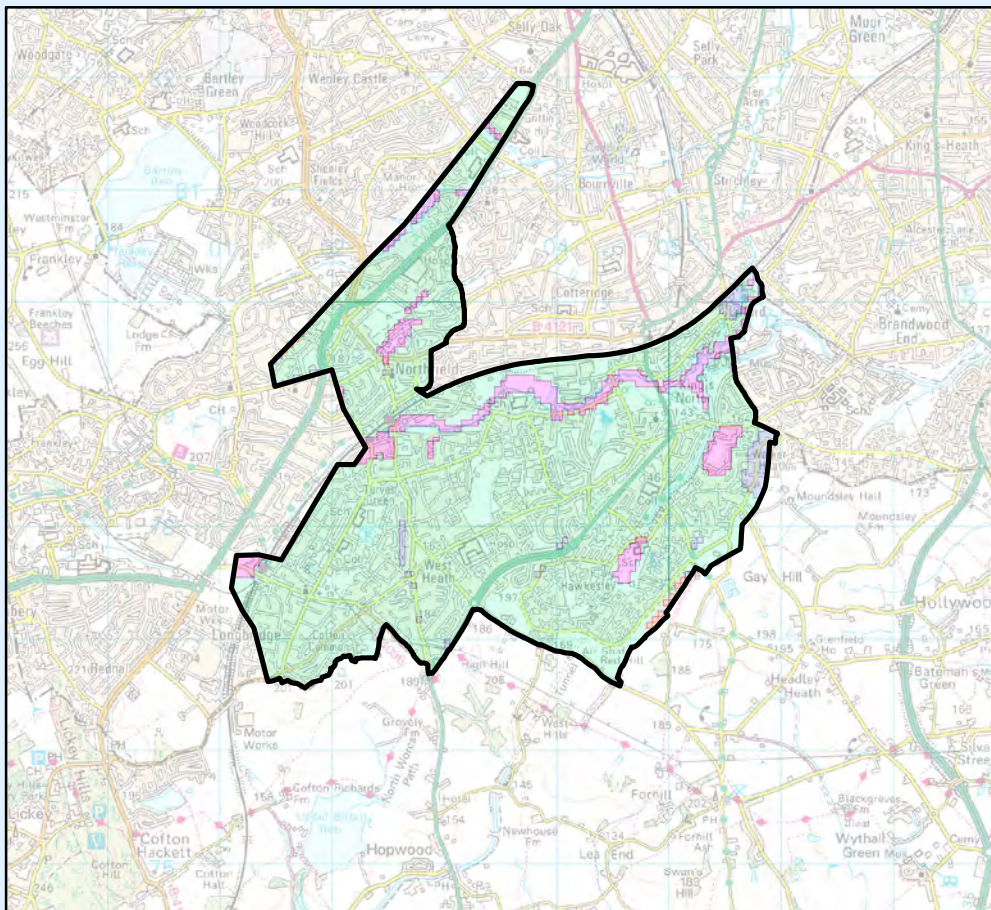
Surface Water Flood Risk



Groundwater Contamination Poor Soil Permeability / Infiltration Rate



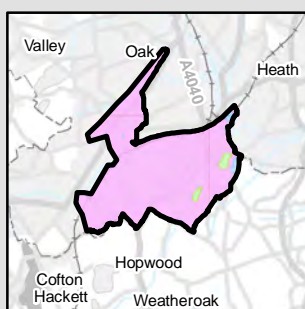
## DRAINAGE SUMMARY



### Legend

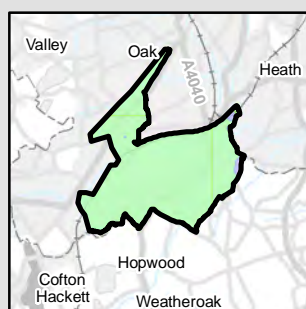
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



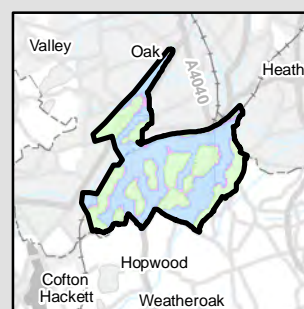
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



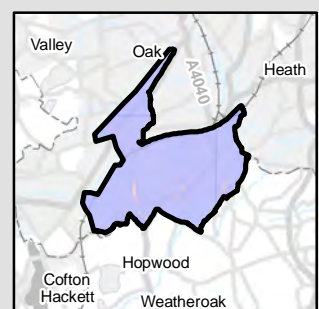
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Edgbaston

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



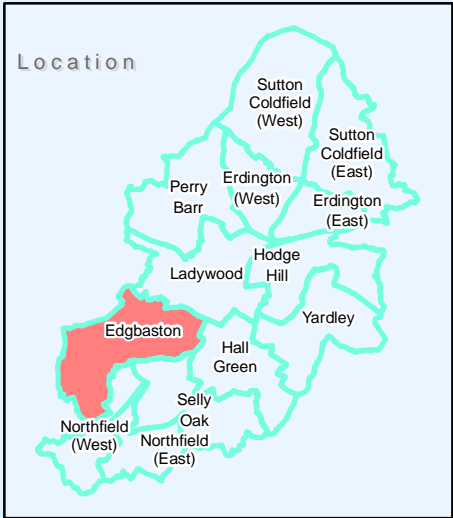
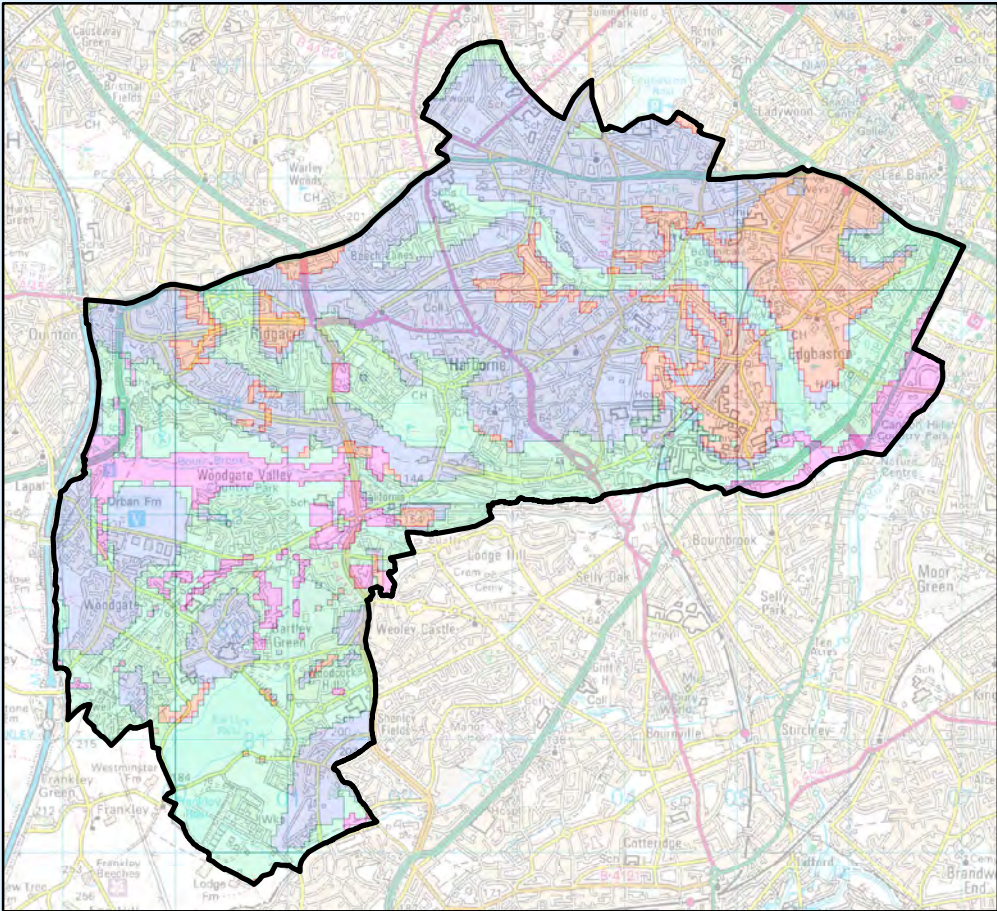
Water Quality



Depth to Water Table

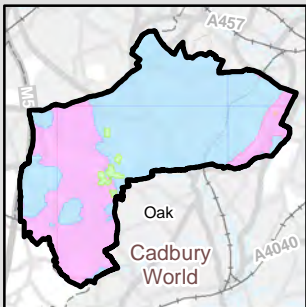


## DRAINAGE SUMMARY



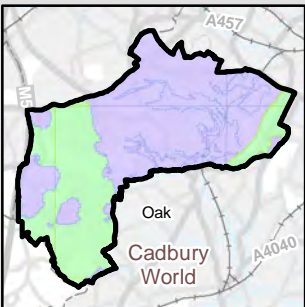
- Legend**
- Highly compatible for infiltration SuDS
  - Opportunities for bespoke infiltration SuDS
  - Probably compatible for infiltration SuDS
  - Very significant constraints are indicated

Groundwater Contamination



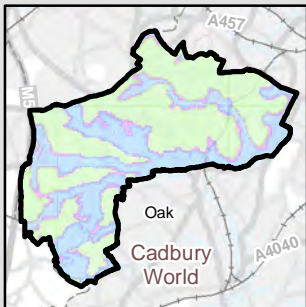
- Considerable susceptibility  
Low susceptibility  
Moderate susceptibility  
Very significant constraints are indicated

Predominant Flow Type



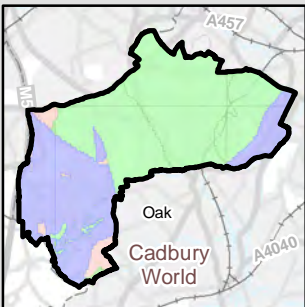
- Fracture flow  
Intergranular or mixed flow

Depth to Water Table



- 3-5 m below ground surface  
< 3 m below ground surface  
> 5 m below ground surface

Permeability



- Free draining  
Highly variable permeability  
Poorly draining



# Selly Oak

SuDS development within this area should give primary consideration to:

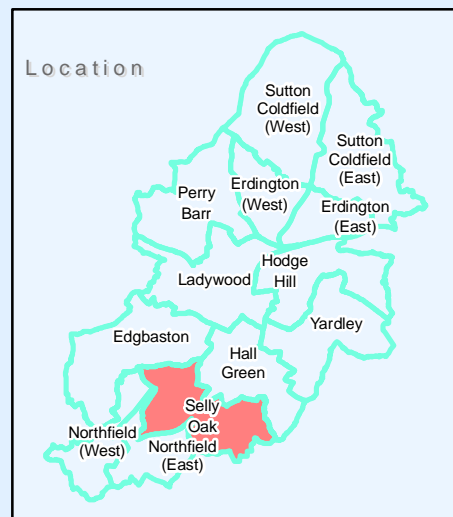
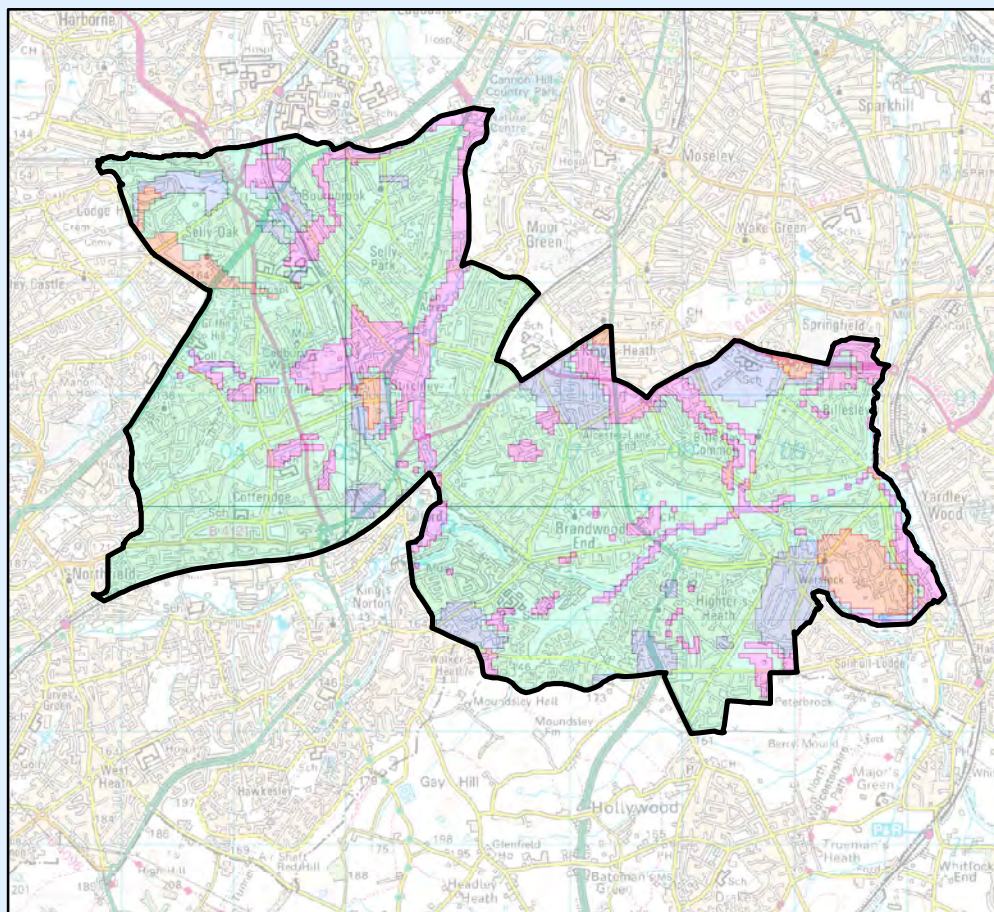
Surface Water Flood Risk



Groundwater Contamination Poor Soil Permeability / Infiltration Rate



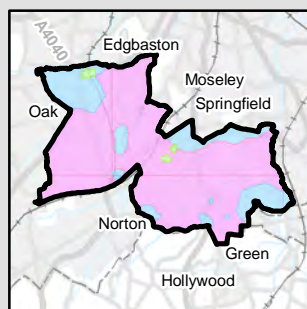
## DRAINAGE SUMMARY



### Legend

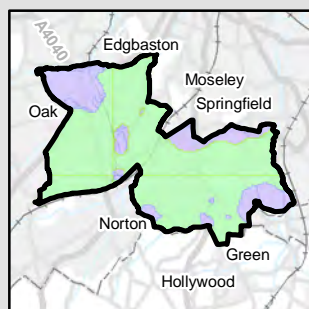
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



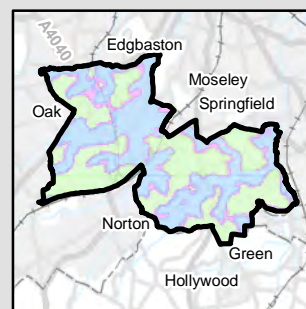
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



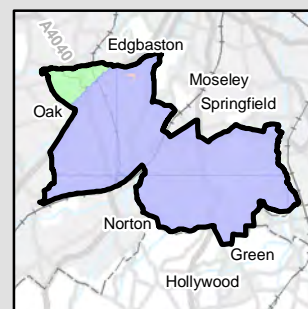
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Hall Green

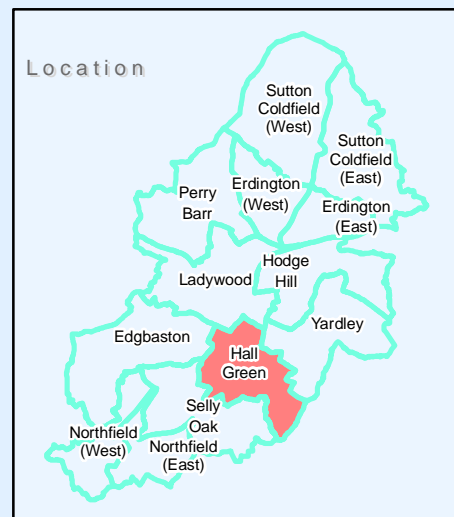
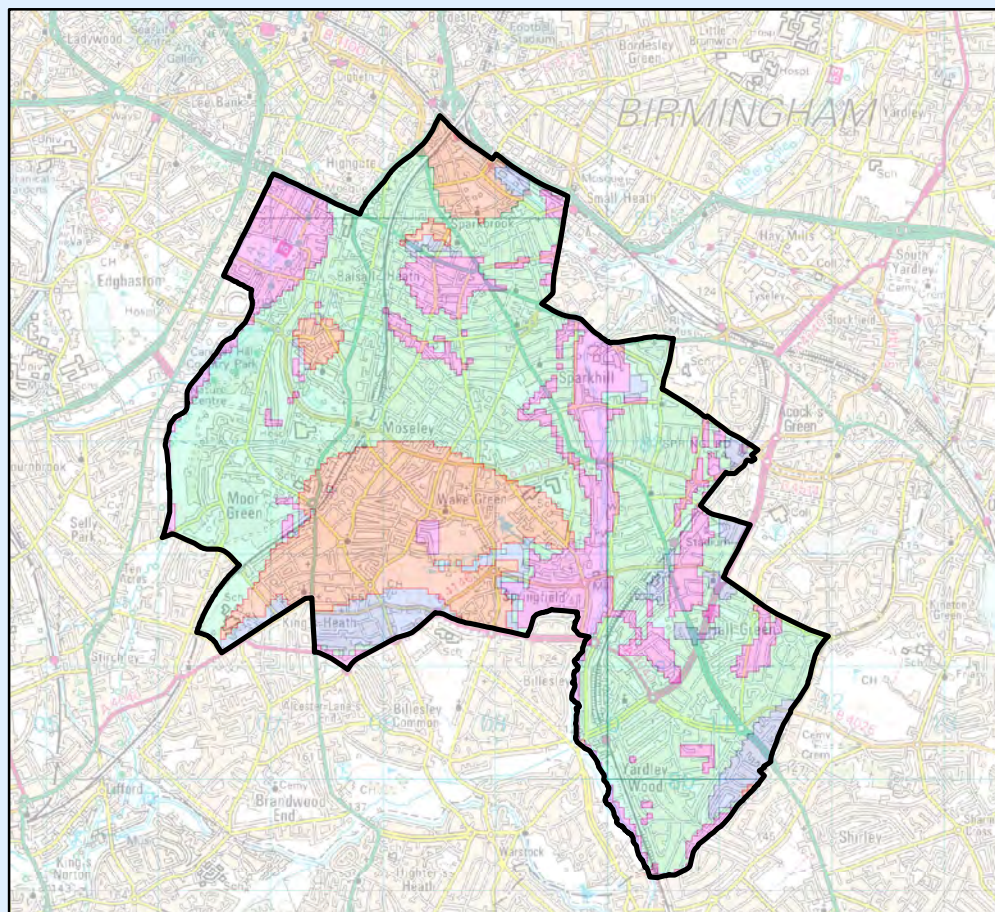
SuDS development within this area should give primary consideration to:

Surface Water Flood Risk

Groundwater Contamination Poor Soil Permeability / Infiltration Rate



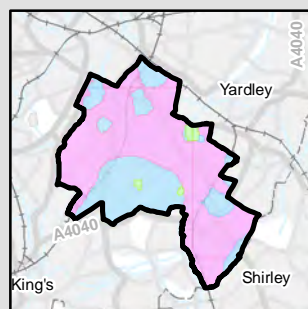
## DRAINAGE SUMMARY



### Legend

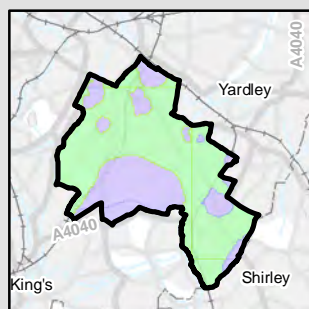
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



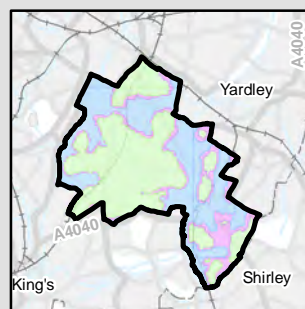
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



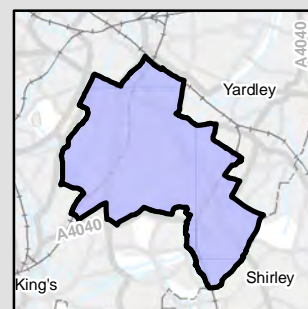
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Ladywood

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



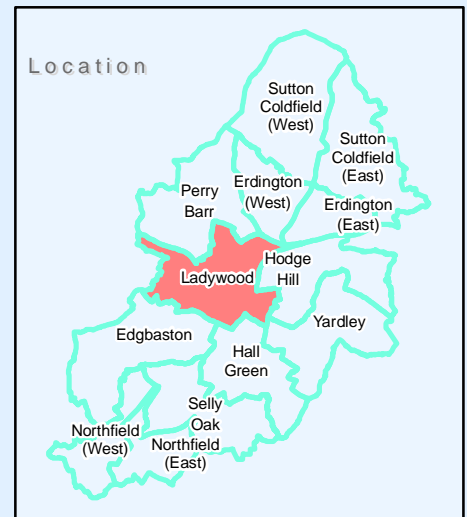
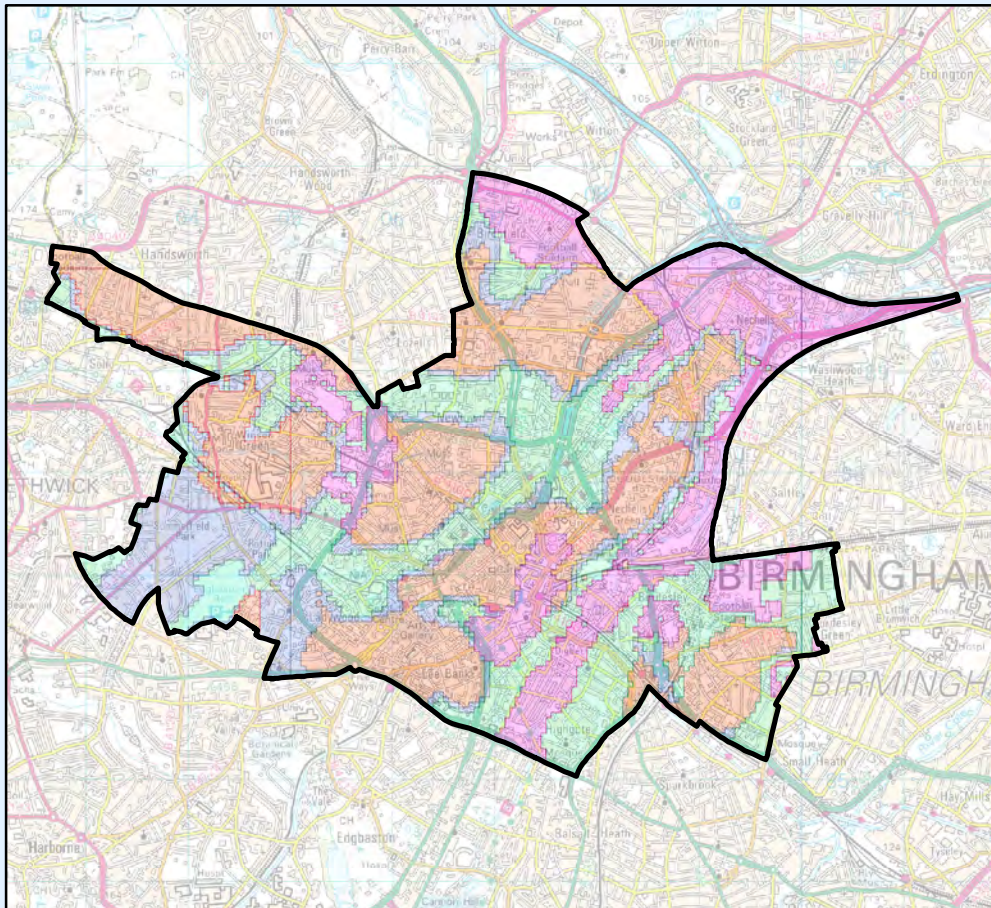
Fluvial Flood Risk



Groundwater Flood Risk



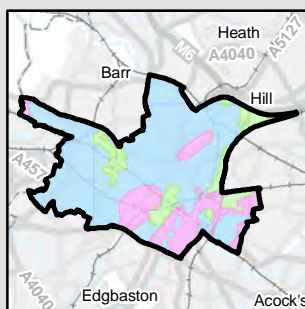
## DRAINAGE SUMMARY



### Legend

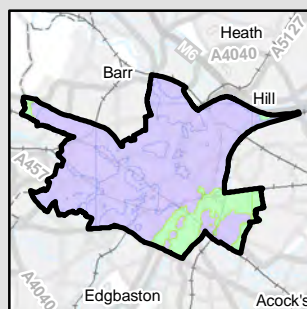
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



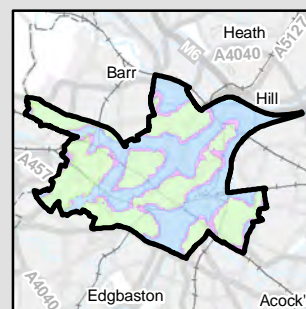
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



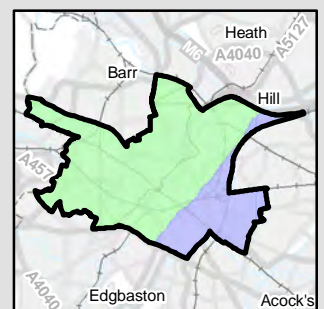
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Perry Barr

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



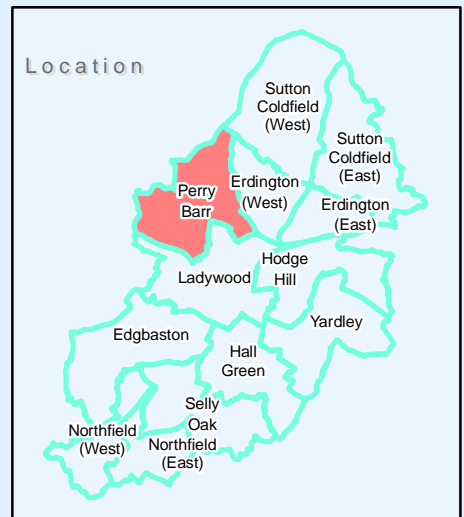
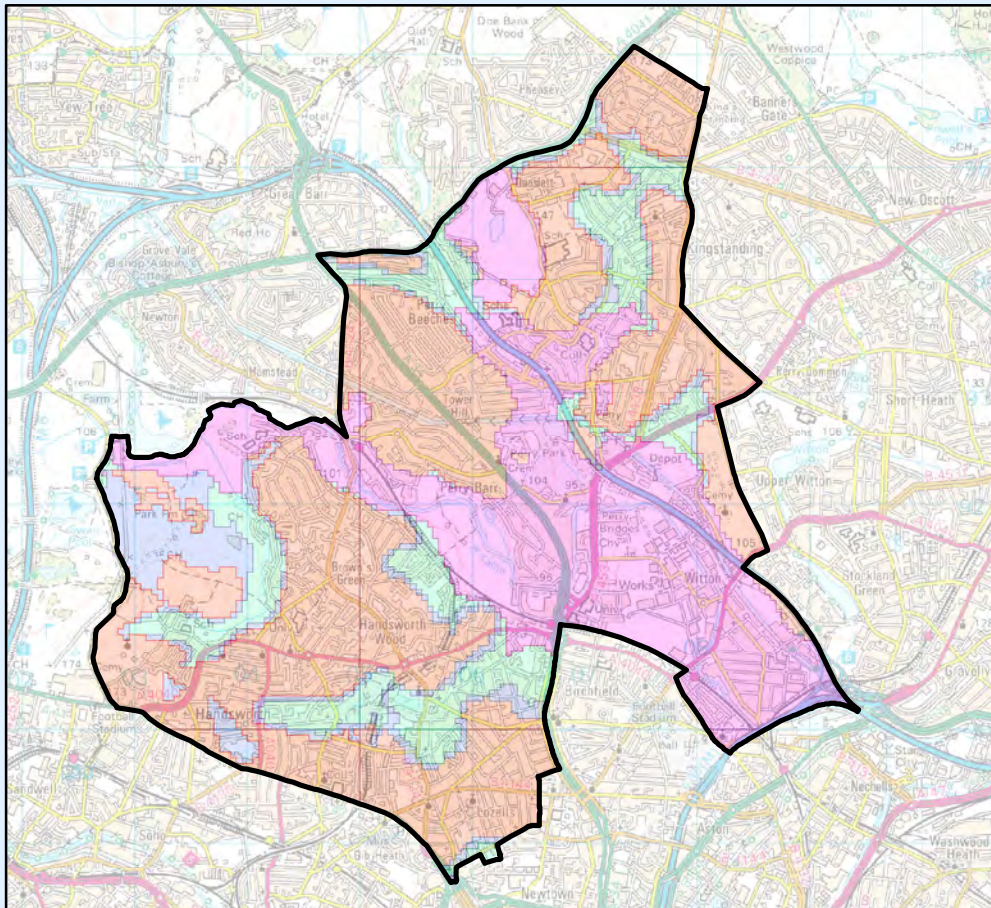
Fluvial Flood Risk



Water Quality



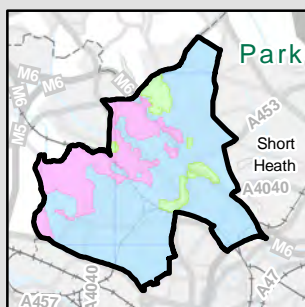
## DRAINAGE SUMMARY



### Legend

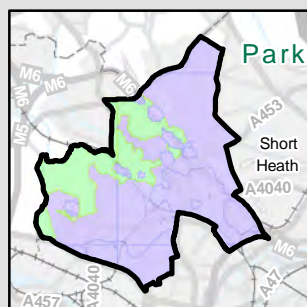
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



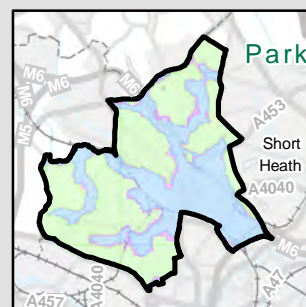
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



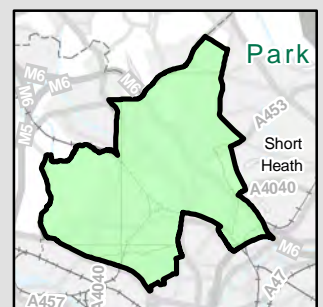
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Hodge Hill

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



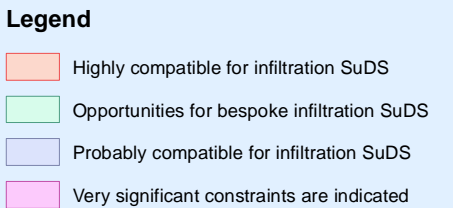
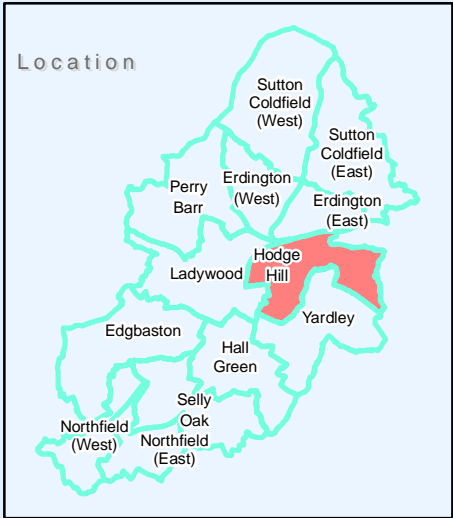
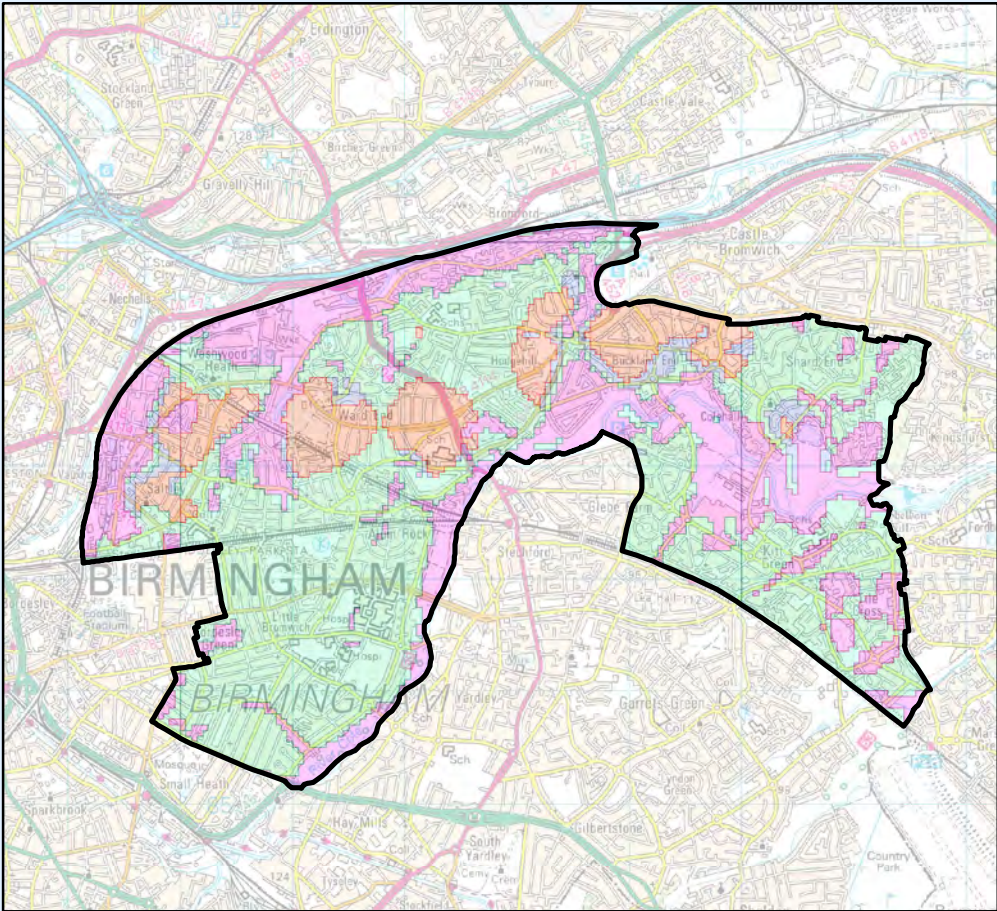
Fluvial Flood Risk



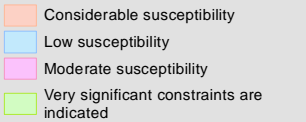
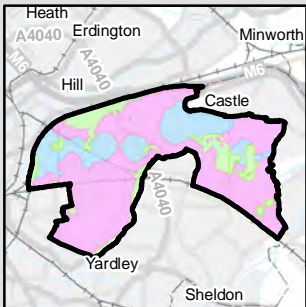
Poor Soil Permeability / Infiltration Rate



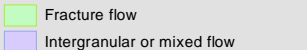
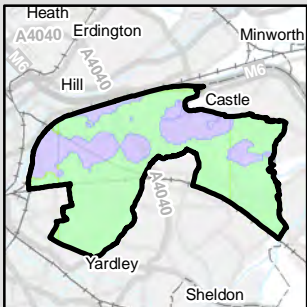
## DRAINAGE SUMMARY



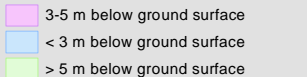
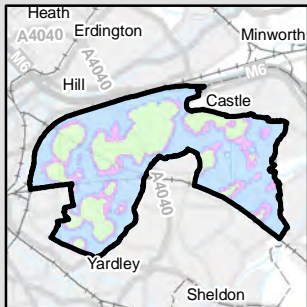
### Groundwater Contamination



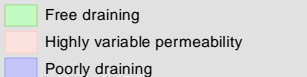
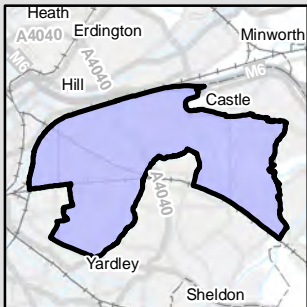
### Predominant Flow Type



### Depth to Water Table



### Permeability





SuDS development within this area should give primary consideration to:

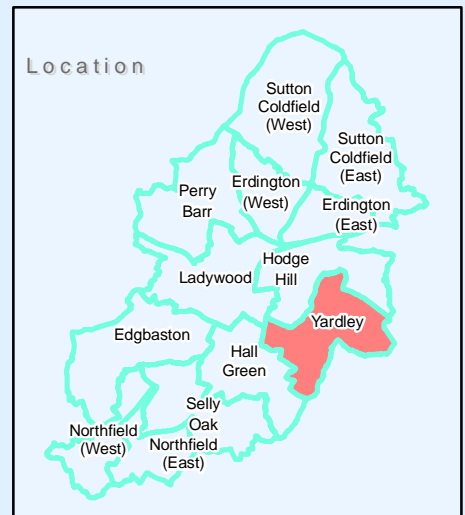
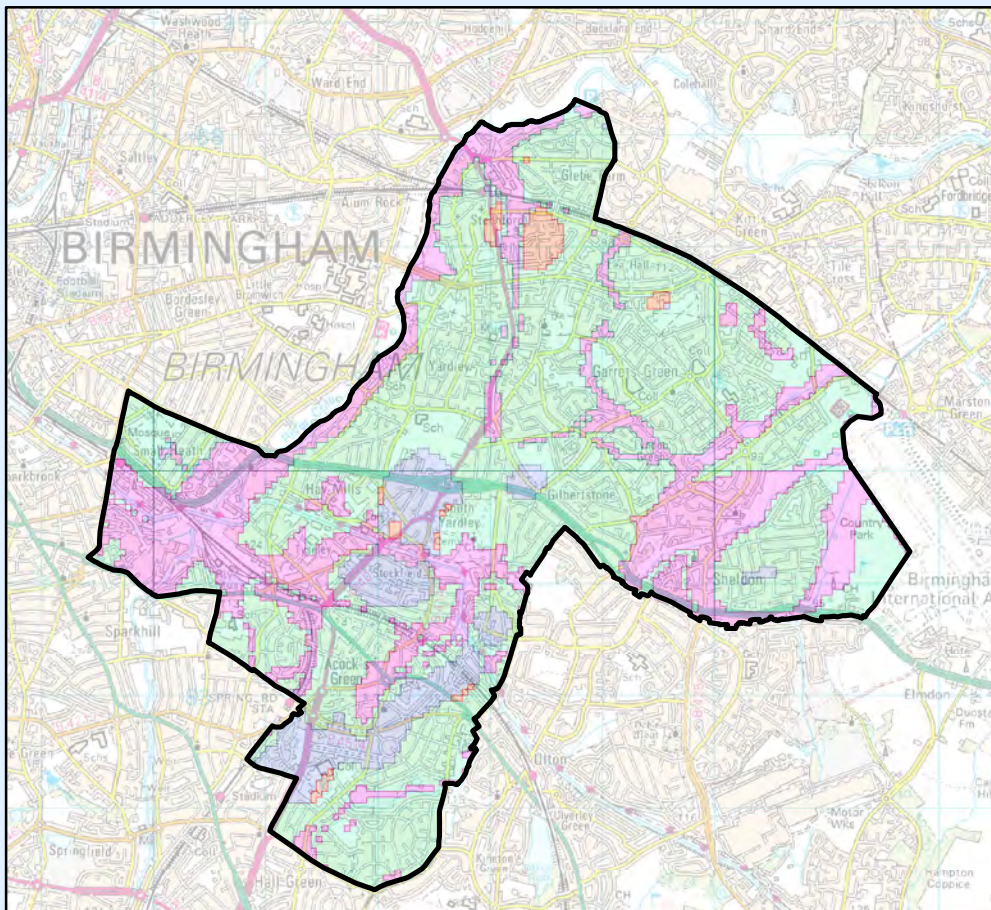
Water Quality



Groundwater Contamination Poor Soil Permeability / Infiltration Rate



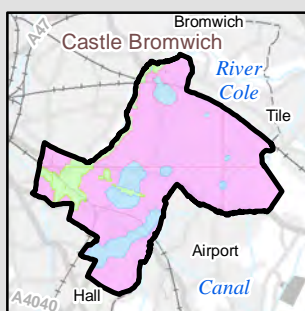
## DRAINAGE SUMMARY



### Legend

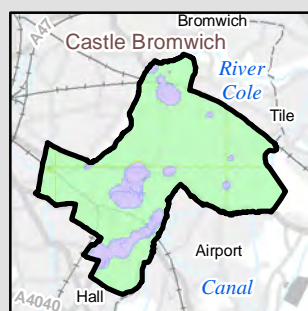
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



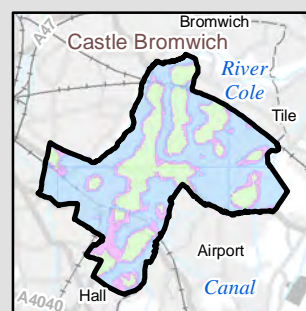
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



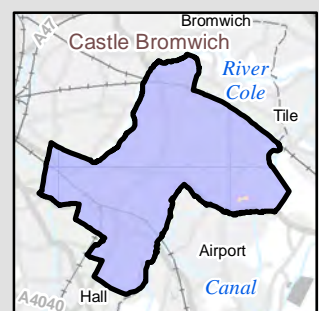
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Erdington (West)

SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



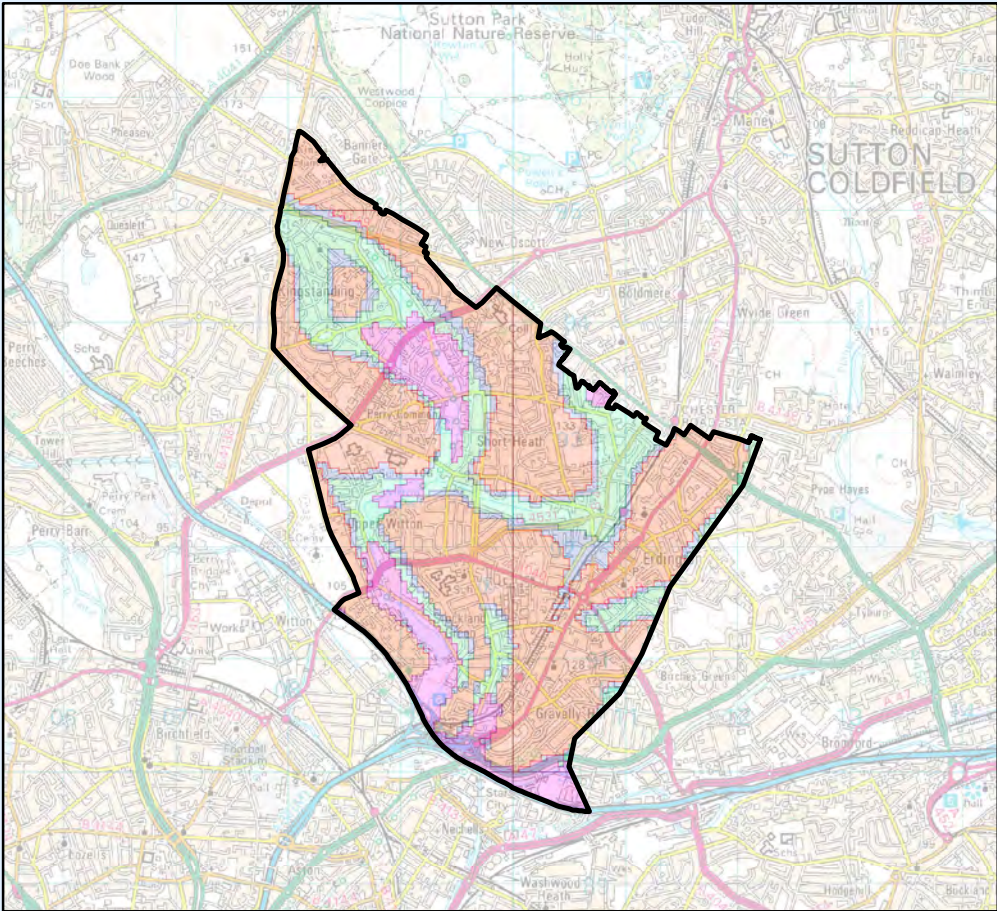
Water Quality



Limited Available Space



## DRAINAGE SUMMARY



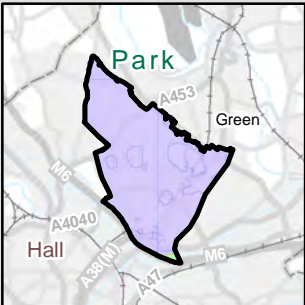
- Legend
- Highly compatible for infiltration SuDS
  - Opportunities for bespoke infiltration SuDS
  - Probably compatible for infiltration SuDS
  - Very significant constraints are indicated

Groundwater Contamination



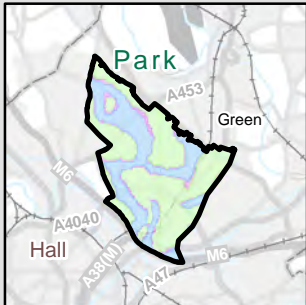
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

Predominant Flow Type



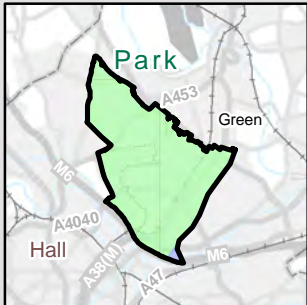
- Fracture flow
- Intergranular or mixed flow

Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Erdington (East)

SuDS development within this area should give primary consideration to:

Water Quality



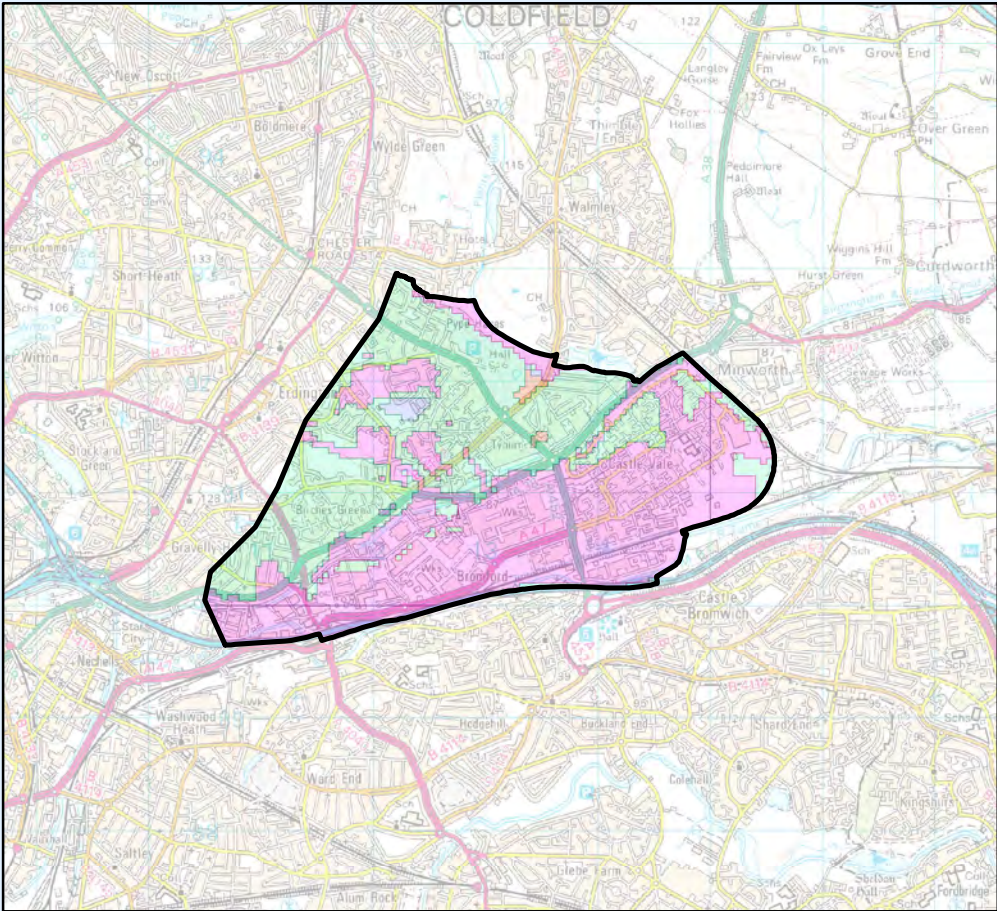
Groundwater Contamination



Depth to Water Table



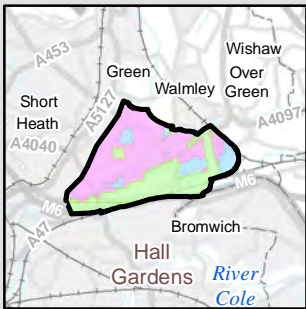
## DRAINAGE SUMMARY



### Legend

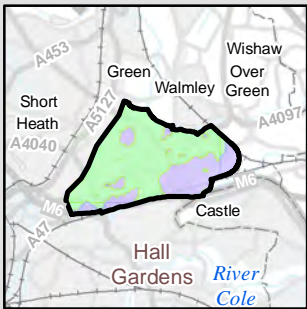
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



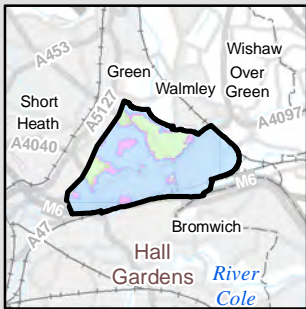
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



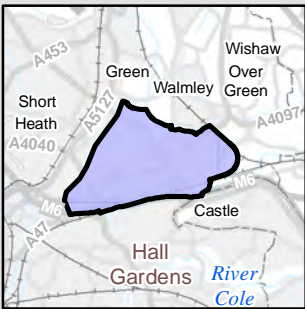
- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



# Sutton Coldfield (West)



SuDS development within this area should give primary consideration to:

Surface Water Flood Risk



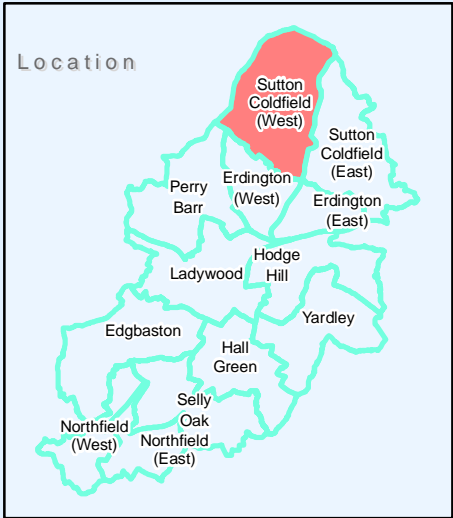
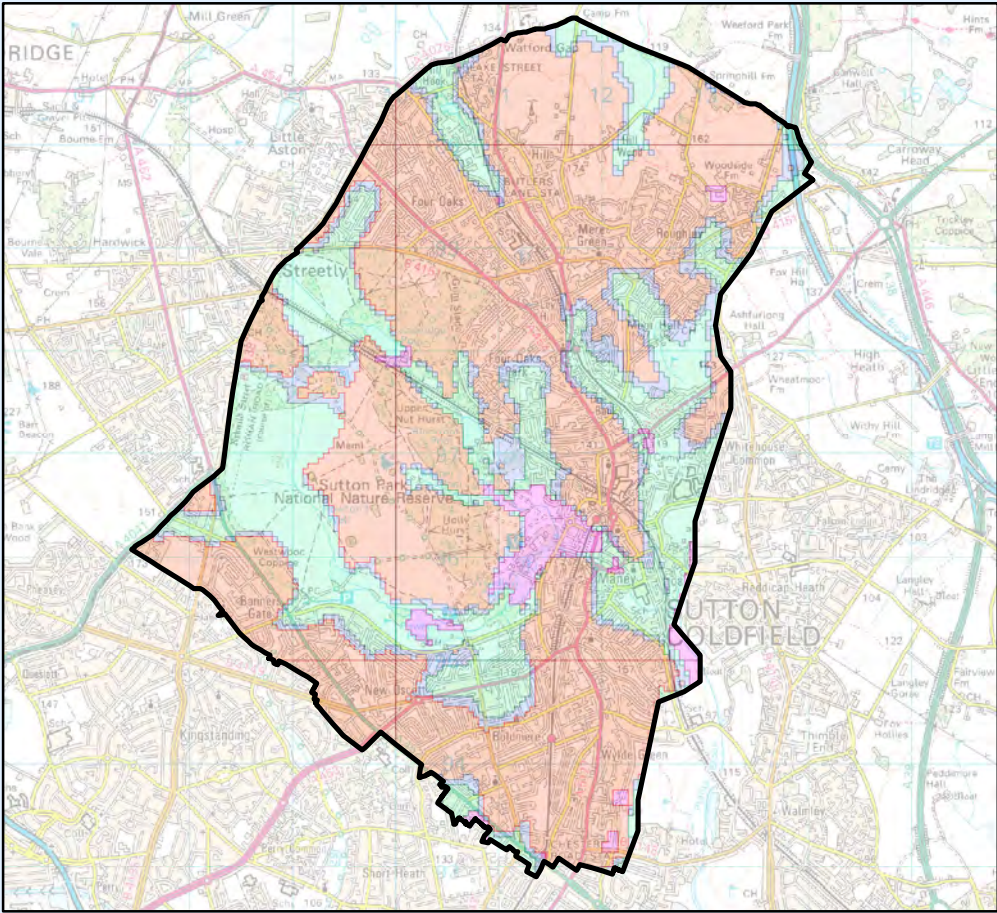
Water Quality



Groundwater Flood Risk



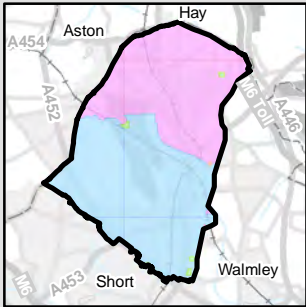
## DRAINAGE SUMMARY



### Legend

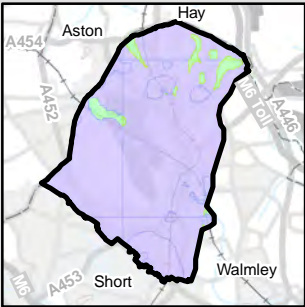
- Highly compatible for infiltration SuDS
- Opportunities for bespoke infiltration SuDS
- Probably compatible for infiltration SuDS
- Very significant constraints are indicated

### Groundwater Contamination



- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

### Predominant Flow Type



- Fracture flow
- Intergranular or mixed flow

### Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

### Permeability



- Free draining
- Highly variable permeability
- Poorly draining



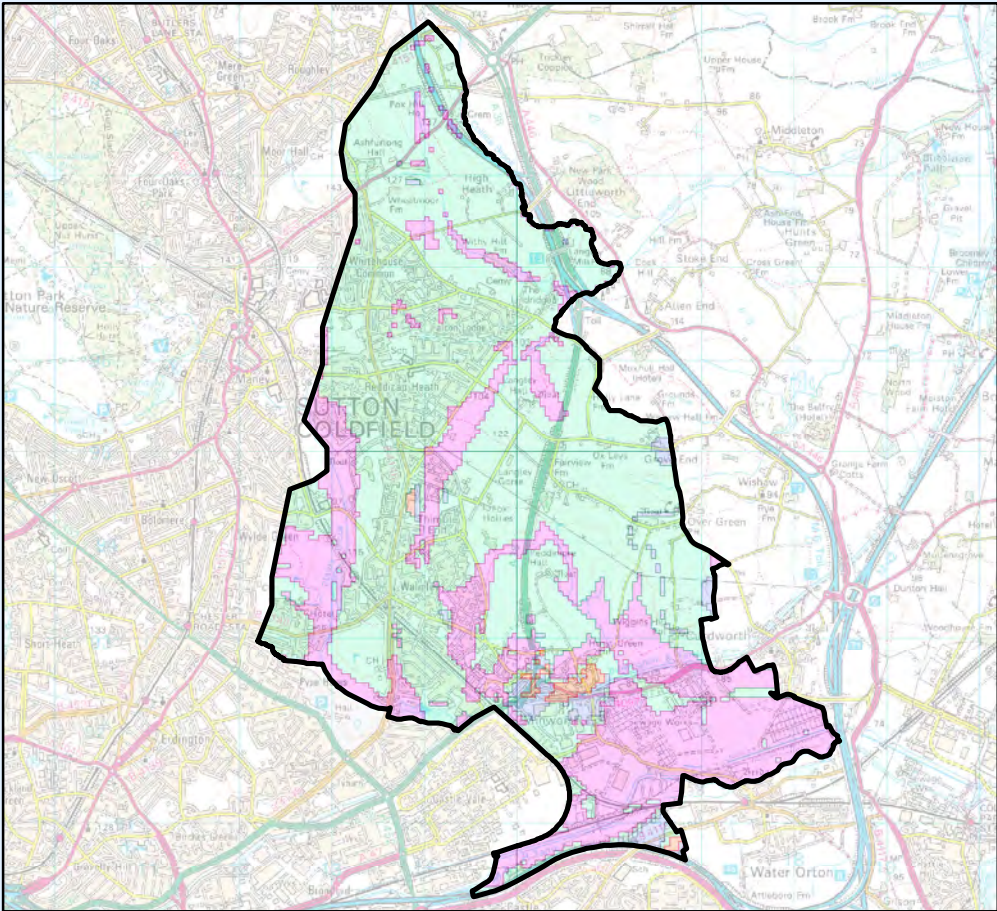
# Sutton Coldfield (East)

SuDS development within this area should give primary consideration to:

Groundwater Flood Risk      Groundwater Contamination      Poor Soil Permeability / Infiltration Rate

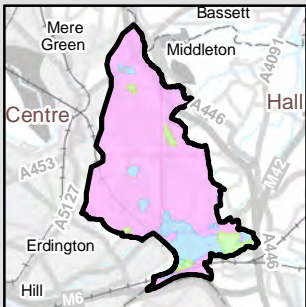


## DRAINAGE SUMMARY



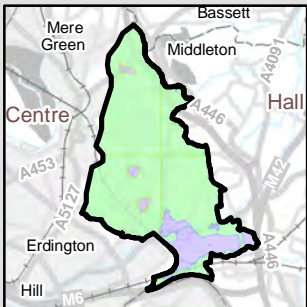
- Legend
- Highly compatible for infiltration SuDS
  - Opportunities for bespoke infiltration SuDS
  - Probably compatible for infiltration SuDS
  - Very significant constraints are indicated

Groundwater Contamination



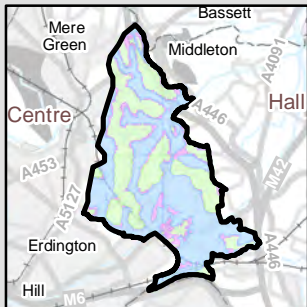
- Considerable susceptibility
- Low susceptibility
- Moderate susceptibility
- Very significant constraints are indicated

Predominant Flow Type



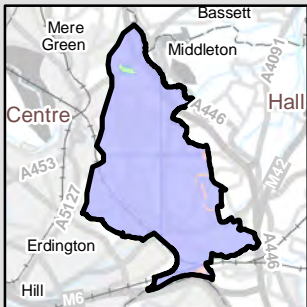
- Fracture flow
- Intergranular or mixed flow

Depth to Water Table



- 3-5 m below ground surface
- < 3 m below ground surface
- > 5 m below ground surface

Permeability



- Free draining
- Highly variable permeability
- Poorly draining

## APPENDIX C: Drainage Pro-Forma

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# Surface Water Management

## Drainage Pro-forma for new developments

This pro-forma is a tool that aims to support developers in devising an effective surface water drainage strategy that looks to mitigate flood risk through effective water quantity management, improve the quality of Birmingham's watercourses through effective water quality management, and enhance the potential for biodiversity & amenity value in Birmingham.

It is recommended that this pro-forma should be considered and completed alongside other supporting guidance, including:

- Sustainable drainage systems: non-statutory technical standards (Defra)
- Birmingham City Council, Sustainable Guidance: Design, Adoption & Maintenance
- Delivering Benefits through Evidence, Rainfall Runoff Management for Developments (Defra/Environment Agency)
- National Planning Policy Framework (and supporting Technical Guidance)

There are eight sections within this pro-forma and it is recommended that all sections be completed and submitted, with supporting information, to the Local Planning Authority (LPA) for approval.

### 1.0 Site Location

The following section requires information on the proposed development site location.

	Development name	
1.1	Address & postcode/Grid reference	
1.2	Constituency	
1.3	Site area	
1.4	Planning application no./Ref.	

## 2.0 Site Summary

The following section summarises a brief overview of the comparison between the existing site and the proposed development. It is recommended that summary information noted in this section be expanded further in subsequent sections.

		Existing Site	Proposed Development	Additional Points to Note
2.1	Greenfield or Brownfield Site		N/A	A greenfield site is land that has not been previously developed within a city or rural area, it has been used for agriculture, landscape design or left to naturally evolve. A brownfield site is land that has been previously developed, with the potential of being redeveloped.
2.2	Impermeable area (ha)			Where impermeable area increases it is likely to increase surface water runoff and potentially increase flood risk on and offsite. The LLFA encourage impermeable area to be limited, reducing impermeable area where possible and using a sustainable approach to drainage to minimise runoff.
2.3	Drainage discharge method (Expanded in Section 3.0)			All development should apply the drainage hierarchy (Store rainwater for later use → Discharge to ground (infiltration) → Discharge to surface water body → Discharge to surface water sewer → Discharge to combined sewer). The LLFA encourage all developers to explore and apply this hierarchy to the development site, selecting the highest stage possible.
2.4	Peak discharge rates (Expanded in Section 4.0)			The calculated peak discharge rate (l/s) permitted to leave the development site under in 100year plus climate change storm event.
2.5	On site storage (Attenuation volume for 30yr) (Expanded in Section 5.0)			Volume of storage proposed on site in 100year plus climate change storm event.
2.6	On site storage (Attenuation volume for 100yr + climate change) (Expanded in Section 5.0)			Volume of storage proposed on site in 100year plus climate change storm event.
2.7	Level of treatment (Expanded in Section 7.0)	N/A	P / S / T	Proposed level of treatment to be achieved (Primary → Secondary → Tertiary).
2.8	SuDS features incorporated (Expanded in Section 8.0)	N/A	Y / N	SuDS provide a unique opportunity within a drainage system to enhance the key benefits of the system; flood risk management, water quality management and biodiversity & amenity value. It is expected that SuDS be considered on all developments (see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).

## 3.0 Drainage Discharge Method

The LLFA expect each developer to eliminate the higher stage of the drainage hierarchy prior to moving down through the stages, the developer must provide evidence that each form of drainage discharge is possible or not. An explanation of the drainage hierarchy adopted, as below, is required.

		Is it possible?	Supporting Evidence	Examples of Supporting Evidence
3.1	Store rainwater for later use	Y / N		Preliminary plans/designs for rainwater harvesting

3.2	Discharge to ground (infiltration)	Y / N		Infiltration testing (BRE Digest 365 –Soakaway design), British Geological Society (BGS) mapping
3.3	Discharge to surface water body	Y / N		Site maps showing watercourse(s) in close proximity
3.4	Discharge to surface water sewer	Y / N		Severn Trent Water (STW) mapping & consultation documents
3.5	Discharge to combined sewer	Y / N		Severn Trent Water (STW) mapping & consultation documents

#### 4.0 Peak Discharge Rates (Flow Control)

The peak discharge rate is the maximum flow rate (l/s) that is permitted to leave the site in any given storm event. Additional guidance is available, including the Birmingham (Emerging) [TP6 Policy](#) and Birmingham specific requirements based on the [Non-Statutory Technical Standards](#). The following sections allow for explanation of the calculations of permissible peak discharge rates.

		Existing Site (l/s)	Proposed Development (l/s)	Additional Points to Note
4.1	Greenfield rate (QBAR)			Calculation of greenfield runoff rate may be provided through the use of use of appropriate industry standard drainage design software, use of EA guidance ( <a href="#">Rainfall Runoff Management for Developments</a> ) or use of the greenfield runoff calculator ( <a href="http://www.uksuds.com/greenfieldrunoff_js.htm">http://www.uksuds.com/greenfieldrunoff_js.htm</a> )
4.2	1 in 1 year event			Calculation of discharge rates for each storm event for the existing site and the proposed development should be provided (calculations may be provided ).  It should be noted that for all development (greenfield & brownfield) surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.
4.3	1 in 30 year event			
4.4	1 in 100 year event			
4.5	1 in 100 year plus climate change event			

### 5.0 On-Site Storage (Volume Control)

In addition to the peak discharge rate, there are limits on the permitted volume of water leaving a site in any given storm event. Impermeable area restricts the amount of runoff that is able to infiltrate into the ground, thereby this excess runoff volume will need to be controlled, generally in the form of storage, to mitigate the flood risk on and offsite. The following section allows for explanation of (if required) the level of storage onsite to achieve the permissible peak discharge rates.

		Existing Site (m <sup>3</sup> )	Proposed Development (m <sup>3</sup> )	Additional Points to Note
5.1	1 in 1 year event			Calculation of attenuation storage for each storm event for the existing site and proposed development. may be provided through use of appropriate industry standard drainage design software use of the EA Guidance ( <a href="#">Rainfall Runoff Management for Developments</a> ) or use of a stormwater storage calculator (e.g. <a href="http://www.uksuds.com/surfacewaterstorage_js.htm">http://www.uksuds.com/surfacewaterstorage_js.htm</a> )
5.2	1 in 30 year event			
5.3	1 in 100 year event			
5.4	1 in 100 year plus climate change event			It should be noted that for all development (greenfield & brownfield) runoff volume shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.

### 6.0 Flood Risk & Exceedence Events within the Development

Development has the potential to increase flood risk on and offsite. A drainage system must be designed to mitigate this risk, accounting for all events up to and including the 1 in 100 year event. Furthermore, consideration must be given to flows generated by those events above and beyond the 1 in 100 year events (exceedence flows). Nationally and locally there is a requirement to protect development from flooding. The following section requires details of the proposed flood risk mitigation measures for the development under consideration.

		Have flood risk measures been incorporated within the proposed development?	Mitigation Measures	Example of Mitigation Measures
6.1	Flooding should not occur on any part of the site in a 1 in 30 year event	Y/N		Capacity in proposed drainage network (calculations), use of freeboard in design of finished floor levels (FFLs), grading of proposed development (high points and low points), and identification of flow paths and placement of buildings.
6.2	Flooding should not occur during a 1 in 100 year rainfall event in any part of a building	Y/N		
6.3	Exceedence flows for events greater than 1 in 100 year plus climate change (30%)	Y/N		Mapping of potential flow paths relative to proposed buildings and hazards

## 7.0 Water Quality

Development has the potential to increase pollutants in surface water runoff from a site. Sustainable drainage approaches have the potential to mitigate this impact on surrounding watercourses and infrastructure. Where possible, potential pollutants should be identified during the design process and appropriate levels of treatment incorporated into the drainage system. The following section allows for explanation of high level assessment of potential pollutants and determination of a suitable level of treatment as identified for the proposed development.

		Existing Site	Proposed Development	Additional Points to Note
7.1	Potential pollutants			Identification of potential pollutants and contaminants. For example, car parks and highways will result in potential pollution by petrochemicals, litter removal requirements etc.
7.2	Level of treatment			Identification of the level of treatment required (Primary → Secondary → Tertiary, see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).

## 8.0 Proposed Sustainable Drainage (SuDS) Features

SuDS provide a unique opportunity within a drainage system to enhance the key benefits of the system; flood risk management, water quality management and biodiversity & amenity value. While it is acknowledged that it is not always possible for each of the key benefits to be achieved with one SuDS feature or within one drainage system, it is expected that a minimum of one key benefit be achieved in each system. The following section requires input of the summary details of SuDS features that are planned to be incorporated within the proposed development. An example has been provided.

	Type of SuDS feature	Key Benefits Achieved			Supporting information
		Flood Risk Management	Water Quality Management	Biodiversity & Amenity Value	
<i>Example</i>	<i>Permeable Paving with geo-cellular storage</i>	Y/N	Y/N	Y/N	<i>Attenuates flow, allowing infiltration and treatment. Drawings showing typical cross-section of feature and supporting calculations submitted to LPA.</i>
Feature 1		Y/N	Y/N	Y/N	
Feature 2		Y/N	Y/N	Y/N	
Feature 3		Y/N	Y/N	Y/N	

# APPENDIX D: Operation & Maintenance Pro-Forma

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# Surface Water Management

## Operation & Maintenance Pro-forma for new developments

Planning Practice Guidance states that ‘*When planning a sustainable drainage system, developers need to ensure their design takes account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.*’

This pro-forma is a tool that aims to support developers in devising an effective operation & maintenance strategy for all surface water features proposed within a development, aiming to mitigate the risk of failure within features by establishing robust operation and maintenance protocols for all proposed features.

It is recommended that this pro-forma should be considered and completed alongside other supporting guidance, including:

- Sustainable drainage systems: non-statutory technical standards (Defra)
- Birmingham City Council, Sustainable Guidance: Design, Adoption & Maintenance
- CIRIA The SuDS Manual. C697

There are three sections within this pro-forma and it is recommended that all sections be completed and submitted, with supporting information, to the Local Planning Authority (LPA) for approval. In addition to completing the sections below, it is recommended to provide plans & drawings showing proposed drainage layout, including proposed SuDS features.

### 1.0 Site Location

The following section requires information on the proposed development site location.

	Development name	
1.1	Address & postcode/Grid reference	
1.2	Constituency	
1.3	Site area	
1.4	Planning application no./Ref.	

## 2.0 Site Summary

The following section summarises a brief overview of the comparison between the existing site and the proposed development. It is recommended that summary information noted in this section be expanded further in subsequent sections.

		Existing Site	Proposed Development	Additional Points to Note
2.1	Permeable area (ha)			Where impermeable area increases it is likely to increase surface water runoff and potentially increase flood risk on and offsite.
2.2	Impermeable area (ha)			The LLFA encourage impermeable area to be limited, reducing impermeable area where possible and using a sustainable approach to drainage to minimise runoff.
2.3	Drainage discharge point			All development should apply the drainage hierarchy (Store rainwater for later use → Discharge to ground (infiltration) → Discharge to surface water body → Discharge to surface water sewer → Discharge to combined sewer). The LLFA encourage all developers to explore and apply this hierarchy to the development site, selecting the highest stage possible.
2.4	Peak discharge rate			The calculated peak discharge rate (l/s) permitted to leave the development site under in 100year plus climate change (30%) storm event.
2.5	On site below ground storage volume (m <sup>3</sup> )			Volume of attenuation storage proposed in below ground features on site (up to and including the 100year plus climate change (30%) storm event)
2.6	On site above ground storage volume (m <sup>3</sup> )			Volume of attenuation storage proposed in above ground features on site (up to and including the 100year plus climate change (30%) storm event)
2.8	SuDS features incorporated	Y / N	Y / N	SuDS provide a unique opportunity within a drainage system to enhance the key benefits of the system; flood risk management, water quality management and biodiversity & amenity value. It is expected that SuDS be considered on all developments (see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).

## 3.0 Proposed Sustainable Drainage (SuDS) Feature

SuDS provide a unique opportunity within a drainage system to enhance the key benefits of the system; flood risk management, water quality management and biodiversity & amenity value. While it is acknowledged that it is not always possible for each of the key benefits to be achieved with one SuDS feature or within one drainage system, it is expected that a minimum of one key benefit be achieved in each system.

Furthermore, the LPA and Lead Local Flood Authority (LLFA) expect each developer to consider the ongoing maintenance of each SuDS feature over the lifetime of the development. Each SuDS feature should be considered individually and appropriate requirements. The following section requires input of the summary details of each SuDS feature that is planned to be incorporated within the proposed development.

## SuDS Feature 1

		Information of proposed SuDS Feature	Additional Points to Note
3.1	Type of SuDS Feature	N/A	SuDS features take many forms, e.g. soakaway, green roof, filter drain, swale, permeable paving, infiltration/detention basin, rain garden, pond, storage structures. (see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).
3.2	Dimensions of SuDS Feature		Proposed dimensions of SuDS feature.
	- Surface Area (m)		Consideration should always be given to safety in design and appropriate consideration of access during the design of SuDS. CDM Regulations 2015 must also be considered and applied to the planning, design and construction and long term maintenance of SuDS systems. For example, maximum side slope in basins to allow for safe access for O&M purposes.  Drainage layout plans & details should be submitted to illustrate the dimensions detailed within this section.
	- Length (m)		
	- Width (m)		
	- Depth (m)		
	- Side Slope (m)		
	- Bed Slope (m)		
3.3	Party responsible for maintenance		Identify the party responsible for the maintenance of the proposed SuDS feature for the lifetime of the development. For example, if there is an agreement between the developer and the water company the details of the water company should be provided.
	- Name		
	- Address		
	- Contact Information		
3.4	Maintenance Specifications		A maintenance specification should be provided for each SuDS feature. This specification should include the frequency and detail of all required inspections and maintenance tasks for each SuDS feature, thereby setting out a minimum standard to which the feature must be maintained.
	- Weekly		
	- Monthly		
	- Quarterly		
	- Six monthly		
	- Annually		
3.5	Remediation inspections & tasks following significant storm events:		Following a significant storm event, additional maintenance inspections and tasks may be required to ensure that SuDS features continue to operate effectively.
3.6	Contingency plan details		Details of proposed contingency plans for failure of any part of the drainage system that could present a hazard to people. For example, failure of a feature may result in significant overland flows, plans showing proposed grading to ensure that water will flow away from people and property, ponding in low risk areas.

## SuDS Feature 2

		Information of proposed SuDS Feature	Additional Points to Note
3.1	Type of SuDS Feature	N/A	SuDS features take many forms, e.g. soakaway, green roof, filter drain, swale, permeable paving, infiltration/detention basin, rain garden, pond, storage structures. (see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).
3.2	Dimensions of SuDS Feature		Proposed dimensions of SuDS feature.
	- Surface Area (m)		Consideration should always be given to safety in design and appropriate consideration of access during the design of SuDS. CDM Regulations 2015 must also be considered and applied to the planning, design and construction and long term maintenance of SuDS systems. For example, maximum side slope in basins to allow for safe access for O&M purposes.
	- Length (m)		
	- Width (m)		Drainage layout plans & details should be submitted to illustrate the dimensions detailed within this section.
	- Depth (m)		
	- Side Slope (m)		
	- Bed Slope (m)		
3.3	Party responsible for maintenance		Identify the party responsible for the maintenance of the proposed SuDS feature for the lifetime of the development. For example, if there is an agreement between the developer and the water company the details of the water company should be provided.
	- Name		
	- Address		
	- Contact Information		
3.4	Maintenance Specifications		A maintenance specification should be provided for each SuDS feature. This specification should include the frequency and detail of all required inspections and maintenance tasks for each SuDS feature, thereby setting out a minimum standard to which the feature must be maintained.
	- Weekly		
	- Monthly		
	- Quarterly		
	- Six monthly		
	- Annually		
3.5	Remediation inspections & tasks following significant storm events:		Following a significant storm event, additional maintenance inspections and tasks may be required to ensure that SuDS features continue to operate effectively.
3.6	Contingency plan details		Details of proposed contingency plans for failure of any part of the drainage system that could present a hazard to people. For example, failure of a feature may result in significant overland flows, plans showing proposed grading to ensure that water will flow away from people and property, ponding in low risk areas.

## SuDS Feature 3

		Information of proposed SuDS Feature	Additional Points to Note
3.1	Type of SuDS Feature	N/A	SuDS features take many forms, e.g. soakaway, green roof, filter drain, swale, permeable paving, infiltration/detention basin, rain garden, pond, storage structures. (see <a href="#">Birmingham City Council, Sustainable Guidance: Design, Adoption &amp; Maintenance</a> for more details).
3.2	Dimensions of SuDS Feature		Proposed dimensions of SuDS feature.
	- Surface Area (m)		Consideration should always be given to safety in design and appropriate consideration of access during the design of SuDS. CDM Regulations 2015 must also be considered and applied to the planning, design and construction and long term maintenance of SuDS systems. For example, maximum side slope in basins to allow for safe access for O&M purposes.  Drainage layout plans & details should be submitted to illustrate the dimensions detailed within this section.
	- Length (m)		
	- Width (m)		
	- Depth (m)		
	- Side Slope (m)		
	- Bed Slope (m)		
3.3	Party responsible for maintenance		Identify the party responsible for the maintenance of the proposed SuDS feature for the lifetime of the development. For example, if there is an agreement between the developer and the water company the details of the water company should be provided.
	- Name		
	- Address		
	- Contact Information		
3.4	Maintenance Specifications		A maintenance specification should be provided for each SuDS feature. This specification should include the frequency and detail of all required inspections and maintenance tasks for each SuDS feature, thereby setting out a minimum standard to which the feature must be maintained.
	- Weekly		
	- Monthly		
	- Quarterly		
	- Six monthly		
	- Annually		
3.5	Remediation inspections & tasks following significant storm events:		Following a significant storm event, additional maintenance inspections and tasks may be required to ensure that SuDS features continue to operate effectively.
3.6	Contingency plan details		Details of proposed contingency plans for failure of any part of the drainage system that could present a hazard to people. For example, failure of a feature may result in significant overland flows, plans showing proposed grading to ensure that water will flow away from people and property, ponding in low risk areas.

## APPENDIX E: Typical Maintenance Schedules

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## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Soakaway

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>Mow grasses (where required) and remove resultant clippings (during growing season only)</li> <li>Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Remove sediment and debris from pre-treatment devices and floor of chamber</li> <li>Clean gutters and filters on downpipes (where applicable)</li> <li>Trim any roots causing blockages</li> <li>Inspect and document the presence of wildlife</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Green/Brown Roof

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>During establishment, replace dead plants as required (for 12 months following installation)</li> <li>Mow grasses (where required) and remove resultant clippings</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Remove fallen leaves and debris from deciduous plant foliage</li> <li>Remove nuisance and invasive vegetation, including weeds</li> <li>Remove debris &amp; litter to prevent clogging of inlet drains and interference with plant growth</li> <li>Noxious weed treatment (3 times a year)</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Replace dead plants as required (typically in the Autumn)</li> <li>Inspect all components including soil substrate, vegetation, drains, irrigation systems (if applicable), membranes, and roof structure for proper operation, integrity of waterproofing and structural stability, take action where required</li> <li>Inspect soil substrate for evidence of erosion channels and identify any sediment sources, take action where required</li> <li>Inspect drain inlets to ensure unrestricted runoff from the drainage layer to the conveyance or roof drain system, take action where required</li> <li>Inspect underside of roof for evidence of leakage, take action where required</li> <li>Inspect and document the presence of wildlife</li> </ul>
<b>Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events</b>	
Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Filter Drain

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>• Litter and debris removal</li> <li>• Mow grasses (where required to promote lateral runoff inflow) and remove resultant clippings (during growing season only)</li> <li>• Remove nuisance and invasive vegetation (for 12 months following installation)</li> <li>• Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Remove nuisance and invasive vegetation</li> <li>• Inspect and document the presence of wildlife</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Repair erosion or other damage by re-turfing, reseeding or replacing filter material</li> <li>• Re-level uneven surfaces and reinstate design levels (typically every 60 month period)</li> <li>• Remove and replace top 300 – 500mm of gravel, clean and replace where required (typically every 60 month period)</li> <li>• Remove and dispose of oils or petrol residues using safe standard practices</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Swale

#### Regular Maintenance

Monthly	<ul style="list-style-type: none"> <li>• Litter and debris removal</li> <li>• Mow grasses (where required) and remove resultant clippings (during growing season only)</li> <li>• Remove nuisance and invasive vegetation (for 12 months following installation)</li> <li>• Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Remove nuisance and invasive vegetation</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Check for poor vegetation growth due to lack of sunlight or dropping of leaf litter, and cut back adjacent vegetation where required</li> <li>• Re-seed areas of poor vegetation growth. Alter plant types to better suit conditions, where required</li> <li>• Inspect and document the presence of wildlife</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Repair erosion or other damage by re-turfing or reseeding</li> <li>• Re-level uneven surfaces and reinstate design levels (typically every 60 month period)</li> <li>• Scarify and spike topsoil layer to improve infiltration performance, break up silt deposits and prevent compaction of the soil surface where required (typically every 60 month period)</li> <li>• Remove build-up of sediment on upstream gravel trench, flow spreader or at top of filter strip, where required</li> <li>• Remove and dispose of oils or petrol residues using safe standard practices</li> </ul>

#### Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events

Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>
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## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Permeable Paving

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>• Refer to manufacturer specifications</li> <li>• For sealed systems, inspection of outfalls should be undertaken</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Brushing and vacuuming to manufacturer requirements. Re-grit where necessary after brushing.</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Inspect/check all inlets, outlets, inspection chambers, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required (for 3 months following installation)</li> <li>• Removal of weeds where required</li> <li>• Stabilizing and mowing of contributing areas where required</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Infiltration Basin

#### Regular Maintenance

Monthly	<ul style="list-style-type: none"> <li>Litter and debris removal</li> <li>Mow grasses (where required) and remove resultant clippings (during growing season only)</li> <li>Remove nuisance and invasive vegetation (for 12 months following installation)</li> <li>Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Remove nuisance and invasive vegetation</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Remove all dead growth prior to the start of growing season</li> <li>Inspect and document the presence of wildlife</li> <li>Re-seed areas of poor vegetation growth. Alter plant types to better suit conditions, where required</li> </ul>
As Required	<ul style="list-style-type: none"> <li>Prune and trim trees and remove cuttings.</li> <li>Repair erosion or other damage by re-turfing or reseeding</li> <li>Re-level uneven surfaces and reinstate design levels; scarify and spike topsoil layer to improve infiltration performance, break up silt deposits and prevent compaction of the soil surface (typically once every 60 month period)</li> <li>Remove sediment from pre-treatment system (e.g. forebays) when 50% full</li> <li>Remove and dispose of oils or petrol residues using safe standard practices</li> </ul>

#### Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events

Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>
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## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Detention Basin

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>• Litter and debris removal</li> <li>• Mow grasses (where required) and remove resultant clippings</li> <li>• Remove nuisance and invasive vegetation (for 12 months following installation)</li> <li>• Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Remove nuisance and invasive vegetation</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Remove all dead growth prior to the start of growing season</li> <li>• Remove sediment from inlets, outlet and forebay</li> <li>• Manage wetland plants, where required</li> <li>• Inspect and document the presence of wildlife</li> <li>• Re-seed areas of poor vegetation growth. Alter plant types to better suit conditions, where required</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Prune and trim trees and remove cuttings.</li> <li>• Remove sediment from forebay, when 50% full and from micropools if volume reduced by more than 25%</li> <li>• Repair erosion or other damage by re-turfing or reseedling</li> <li>• Re-level uneven surfaces and reinstate design levels (typically once every 60 month period)</li> <li>• Remove and dispose of oils or petrol residues using safe standard practices</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Rain Garden/Stormwater Planter

#### Regular Maintenance

Monthly	<ul style="list-style-type: none"> <li>• Litter and debris removal</li> <li>• Mulching (where required)</li> <li>• Inspect/check all inlets, outlets, surface and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Remove nuisance and invasive vegetation</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Pruning and trimming of trees</li> <li>• Inspect and document the presence of wildlife</li> <li>• Check for poor vegetation growth due to lack of sunlight or dropping of leaf litter, and cut back adjacent vegetation where required</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Repair erosion or other damage by re-mulching or re-seeding</li> <li>• Re-seed areas of poor vegetation growth. Alter plant types to better suit conditions, if required</li> <li>• Scarify and spike topsoil layer to improve infiltration performance, break up silt deposits and prevent compaction of the soil surface (typically every 60 month period)</li> <li>• Remove build-up of sediment, reinstate design levels (typically every 60 month period)</li> <li>• Remove and dispose of oils or petrol residues using safe standard practices</li> </ul>

#### Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events

Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>
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## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Pond

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>• Litter and debris removal</li> <li>• Mow grasses (if required) and remove resultant clippings</li> <li>• Inspect vegetation to pond edge and remove nuisance and invasive vegetation (for 36 months following installation)</li> <li>• Inspect water body for signs of algae &amp; eutrophication (May to October)</li> <li>• Inspect/check all inlets, outlets and overflows (where required) to ensure that they are in good condition, free from blockages and operating as designed. Take action where required</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>• Inspect vegetation to pond edge and remove nuisance and invasive vegetation (following initial 36 month period)</li> <li>• Inspect silt accumulation rates and establish appropriate removal frequencies</li> </ul>
Annually	<ul style="list-style-type: none"> <li>• Hand cut submerged and emergent aquatic plants (at minimum of 0.1 m above pond base. Include max 25% of pond surface)</li> <li>• Remove up to 25% of bank vegetation from water's edge to a minimum of 1 m above water level</li> <li>• Tidy all dead growth before start of growing season</li> <li>• Remove sediment from forebay (Year 1 to 5)</li> <li>• Inspect and document the presence of wildlife</li> </ul>
As Required	<ul style="list-style-type: none"> <li>• Remove sediment from forebay (following initial 60 month period)</li> <li>• Remove sediment from the main body of big ponds when pool volume is reduced by 20%</li> <li>• Aerate pond when signs of eutrophication are detected</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>• Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Geocellular Storage System

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action. (for 3 months following installation)</li> <li>Debris removal from catchment surface (where may cause risks to performance)</li> <li>Inspect systems as specified by the manufacturer</li> <li>Where rainfall infiltrates into blocks from above, check surface of filter for blockage by silt, algae or other matter. Remove and replace surface infiltration medium as necessary.</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action. (following initial 3 month period)</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Remove sediment from pre-treatment structures (e.g. upstream silt-traps or Vortex flow control upstream) and geocellular system where required (High pressure water jetting)</li> <li>Inspect and document the presence of wildlife</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>

## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Attenuation Tank

#### Regular Maintenance

Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action (for 3 months following installation)</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action (following initial 3 month period)</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Remove sediment from pre-treatment structures</li> </ul>
As Required	<ul style="list-style-type: none"> <li>De-silt as required</li> </ul>

#### Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events

Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>
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## Sustainable Drainage Systems (SuDS): Typical Maintenance Schedule



### Flow Control Structures

Regular Maintenance	
Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action (for 3 months following installation)</li> </ul>
Six Monthly	<ul style="list-style-type: none"> <li>Inspect and identify any areas that are not operating correctly. If required, take remedial action</li> <li>Remove sediment from pre-treatment structures</li> </ul>
Annually	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
Remedial Actions: Significant storms may cause significant damage to SuDS. As such, a number of actions may be required following such events	
Following all significant storm events	<ul style="list-style-type: none"> <li>Inspect and carry out essential recovery works to return the feature to full working order</li> </ul>





# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	Sustainable Drainage Guide
<b>Directorate</b>	Place
<b>Service Area</b>	Highways
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	The EA evaluates the effect of the publication of the Sustainable Drainage: Guide to Design, Adoption and Maintenance
<b>Reference Number</b>	EA000728
<b>Task Group Manager</b>	Kerry.Whitehouse@birmingham.gov.uk
<b>Task Group Member</b>	
<b>Date Approved</b>	2015-07-02 01:00:00 +0100
<b>Senior Officer</b>	Alistair.Campbell@birmingham.gov.uk
<b>Quality Control Officer</b>	Ravinder.Sahota@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

What is the purpose of this Function and expected outcomes?	The target outcome of the Sustainable Drainage: Guide to Design, Adoption and Maintenance is to provide detailed guidance to support the implementation of sustainable drainage systems in future development in Birmingham. The guidance has been written to support developers within Birmingham following recent changes to national policy.
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
<u>Comment</u> Contribute to statutory duties for Planning and Lead Local Flood Authority as a statutory consultee	
A Fair City	Yes
<u>Comment</u> Provides standard guidance so that all developers are following the same approach	
A Prosperous City	Yes
<u>Comment</u> Ensure that we continue to promote development in Birmingham whilst setting out clearly how developers can meet the requirements of national policy,	
A Democratic City	No

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
<u>Comment</u> The guidance has been developed to support developers within Birmingham	
Will the policy have an impact on employees?	Yes
<u>Comment</u> The guidance supports Planning and the LLFA in providing advice and setting out requirements.	
Will the policy have an impact on wider community?	No

### 2.3 Analysis on Initial Assessment

The Sustainable Drainage: Guide to Design, Maintenance and Adoption is robust and will have a positive impact on developers within Birmingham by:

- enhancing their understanding of national and local requirements
- explaining the principles and benefits of sustainable drainage and the roles these play in Birmingham
- providing guidance on the local requirements placed on developers
- providing technical guidance with regards to specific features and associated landscaping, planting and ecology
- providing guidance on the operation and maintenance requirement.

The Guide will provide staff with the information they require to ensure that sustainable drainage is achieved on new development in the future.

The Guide is equally applicable to all stakeholders/developers, there is no potential for discrimination.

### **3 Concluding Statement on Full Assessment**

There are no relevant issues, so no action plans are currently required

### **4 Review Date**

13/05/15

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>	
<b>Report of:</b>	<b>ACTING STRATEGIC DIRECTOR OF PLACE</b>	
<b>Date of Decision:</b>	<b>November 17<sup>th</sup>, 2015</b>	
<b>SUBJECT:</b>	<b>SPARKHILL POOL AND FITNESS CENTRE</b>	
<b>Key Decision: Yes</b>	<b>Relevant Forward Plan Ref: 000599/2015</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b>	<input type="checkbox"/>
	<b>O&amp;S Chairman approved</b>	<input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Ian Ward – Deputy Leader, Cllr Stewart Stacey – Commissioning, Contracting and Improvement</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Waseem Zaffar, Corporate Resources, Councillor Majid Mahmood, Health and Social Care</b>	
<b>Wards affected:</b>	<b>Springfield</b>	

<b>1. Purpose of report:</b>	
1.1	This report provides details of the reasons for the delays to the construction of Sparkhill Pool and Fitness Centre.
1.2	The private agenda report provides details of the financial information associated with the delays to the construction of the new pool and makes recommendations as to the funding required from the Leisure Transformations Financial Plan.

<b>2. Decision(s) recommended:</b>	
	That Cabinet:
2.1	Notes the reasons for the delays to the construction of Sparkhill Pool and Fitness Centre.

<b>Lead Contact Officer(s):</b>	Steve Hollingworth – Assistant Director – Sport, Events & Parks
<b>Telephone No:</b>	0121 464 2023
<b>E-mail address:</b>	Steve.hollingworth@birmingham.gov.uk

<b>3.</b>	<b>Consultation</b>
3.1	<u>Internal</u>
	Finance, Corporate Procurement, Legal and Democratic Services, Planning and Regeneration and Property have been involved in the preparation of this report. The Cabinet Member for Health and Social Care has been kept informed of the timescales for the new Sparkhill Pool and Fitness Centre.
3.2	<u>External</u>
	Officers from Acivico Limited have been consulted. Sport England has been consulted in the preparation of this report. City Demolition Limited, in undertaking the removal of asbestos and the demolition of Sparkhill Pool & Fitness Centre has been consulted and provided information for this report.

<b>4.</b>	<b>Compliance Issues:</b>
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
	The Sport and Physical Activity Strategy contributes to the Leader's Policy Statement 2015 to work together for a fair, prosperous and democratic Birmingham. The Sport section's main purpose is to ensure that Birmingham becomes a healthy and active city by encouraging people to be more active. The team is responsible for developing sports strategy, policy and plans and creating sporting opportunities.
4.2	<u>Financial Implications</u>
	<u>Details of the financial implications associated with this report are set out in the private report</u>
4.3	<u>Legal Implications</u>
	Under section 19 of the Local Government Act (Miscellaneous Provisions) 1976, the Council has the power to provide such recreational facilities as it thinks fit in its area and under Section 111 of the Local Government Act 1972, the Council may do anything which is incidental to the discharge of any of its functions.
4.4	<u>Public Sector Equality Duty</u>
	<p>a) The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunities Policy has been incorporated into the Contract.</p> <p>b) Under the terms of the Framework Agreement, Places For People Leisure Ltd (PfP) formerly DC Leisure Ltd, is required to comply with the provisions of the Equality Act 2010.</p> <p>c) A stage 1 Equality Assessment was carried out in relation to the Sports Transformation Strategy and did not highlight the need to progress to stage 2.</p>

## **5. Relevant background/chronology of key events:**

- 5.1 The award for the design, build, operate and maintain contract for Sparkhill Pool and Fitness Centre was awarded to PfP, formerly DC Leisure Ltd, following Cabinet approval on 17 March 2014.
- 5.2 PfP's bid was awarded on the basis that ground condition investigations were carried out directly below the building to inform the structural works once the building was accessible following the removal of asbestos. The bid price included the removal of asbestos contamination identified in the asbestos reports provided within the tender information, but excluded any further contamination still to be identified from inaccessible areas of the building. Therefore any additional asbestos removal required would be at the Council's risk.
- 5.3 In May and June 2014, PfP and their main building contractor, visited the site to assess access and to draw up a schedule of investigatory works. Acivico were engaged by the Council to complete the investigatory works.
- 5.4 In July 2014, Acivico's Geotechnical Engineers advised that a decontamination clean certificate had not been issued for the basement, and therefore they could not complete the necessary investigatory works until it was confirmed the basement area was safe.
- 5.5 In view of the above, Birmingham City Laboratories (BCL), who undertook the original asbestos testing on behalf of Acivico, were contacted for confirmation that the basement was clear and safe to work in. In August 2014, BCL confirmed that there was asbestos in the basement that needed to be removed prior to issue of a validation certificate. On this basis, PfP instructed an asbestos consultant to undertake a review of the level of asbestos in the basement, and they advised that the extent of asbestos in both the basement and building as a whole was greater than previously identified and that another Asbestos Demolition and Refurbishment Survey was required to cost the asbestos removal.
- 5.6 In September 2014, PfP conducted their own Asbestos Demolition and Refurbishment Survey for the building and obtained Quotations for the removal of the asbestos. These were presented to the Council in November 2014.
- 5.7 During the ongoing discussions and work involved with the removal of the asbestos, PfP proceeded with consultation on their design for the new Swimming Pool with Birmingham City Council Planners. A number of changes were recommended by the Planners in order for a successful planning application; these included reviewing the levels at the front of the building and a redesign of the frontage. The contract was awarded on the basis of a successful planning application with all design changes the responsibility of the Contractor. The financial implications resulting from these changes are detailed in Appendix 1 of the private report. Following these design changes PfP submitted an application to Planning Committee.



- 5.8 A series of meetings were held with PfP and their main building contractor during November and December 2014 to work through options to in an attempt to best resolve the asbestos issue, as the asbestos survey highlighted that the basement layout was more complicated than originally envisaged. It was agreed by all parties that the position in regard to identifying the full extent of asbestos within the building would be problematical due to the inability to access the building safely.
- 5.9 A decision was therefore taken by the Council that in order to mitigate further delay in regard to site accessibility, and claims arising from delays, that Acivico would be engaged by the Council to procure the asbestos removal based upon current understanding of the location and quantity of asbestos known to be in the building. Quotations for asbestos removal were invited through Find it in Birmingham and returned on the 20<sup>th</sup> March 2015.
- 5.10 The contract was awarded to Integrity Facilities Management Ltd and asbestos removal works commenced on 8<sup>th</sup> April 2015.
- 5.11 Subsequent to the works commencing on site on 8<sup>th</sup> April 2015 Integrity Facilities Management Ltd brought to the Council's attention the presence of further asbestos contaminants. These were discovered within areas of the building previously inaccessible due to the disturbance of materials by vandals within the buildings foyer area and reception offices. An additional quotation was obtained for its removal, and a project manager's instruction was issued to incorporate the additional quantities within the contract works.
- 5.12 On 8<sup>th</sup> May 2015 following discovery of yet further areas of substantial contamination a meeting was called with Acivico, the client's representative and BCL to discuss and decide the best approach to certifying the complete removal of asbestos from within the building. As a result of this meeting a decision was taken that the asbestos within the building could not be satisfactorily certified to have been removed without significant damage to the integrity of the structure and a view that this would best be achieved by placing the removal in the hands of a demolition contractor.
- 5.13 In addition to the contractual requirement of delivering the building free of asbestos there was significant concern by Officers over the condition of the building, the physical difficulties of adequately securing the building from entry by vandals and the open nature of the roof structure which was substantially damaged and allowing debris from within the building to potentially be carried out into the area around the building potentially contaminating areas to which the public have access.
- 5.14 A decision was therefore taken by the Council on the advice of Acivico to instruct the Council's emergency works contractor City Demolition Limited to undertake the demolition works. The works commenced on 24<sup>th</sup> August 2015 following negotiations over works cost including the remaining asbestos contamination issues.
- 5.15 The estimated final cost of these works to remove any remaining asbestos and demolish the building leaving the site cleared to a standard agreed with PfP's construction contractor is detailed within Appendix 1 of the private report. Demolition works are scheduled for completion on 11<sup>th</sup> December 2015.

- 5.16 After the site has been cleared of asbestos and demolition concluded, further ground investigation surveys will be undertaken by the Council through Acivico. Due to the surveys already undertaken it is unlikely any anomalies will be found but if the reports identify any concerns the current capital cost includes a provisional sum, as identified in Appendix 1 of the private report, to put right any issues. The survey reports will be provided to PfP by 22<sup>nd</sup> January 2016.
- 5.17 Following receipt of the final surveys, PfP's construction contractor will take over control of the site and commence construction on 21<sup>st</sup> March 2016.
- 5.18 The original contract sum was based on prices at the beginning of 2014, with a subsequent 12 month build period. The length of time it has taken to remove the asbestos and will have taken to demolish the building has resulted in PfP resubmitting a renewed contract sum based on current prices and inflationary costs. The City Council has worked with PfP to reduce some costs where possible but even with demolition being taken out of the contractors sum and delivered through the emergency works process there has been an increase in the overall contract sum as shown in appendix 1 of the private report.
- 5.19 Subject to approval of the recommendations set out within this report and the private report, the new Sparkhill Pool and Fitness Centre will open to the public on 19<sup>th</sup> May 2017, a delay of approximately 18 months.

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

- 6.1 Not Deliver Pool – There is a recognised strategic need for a pool in this area, which has been without one since 2008. Cabinet has recognised this need and approved the delivery of the pool through the Sport and Leisure Framework.
- 6.2 Re-tender – There would be no guarantee that by retendering the cost of delivery of the new pool would be reduced, in fact due to current inflation and increases of costs within the construction industry the likelihood would be that the cost would at least be at the same level or higher than the current cost. In addition, there would be further significant delays to the delivery of the pool, with increased costs associated, whilst the re-tendering process took place.

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

- 7.1 To enable the continuation of the demolition and construction of Sparkhill Pool and Fitness Centre.

Signatures		<u>Date</u>
Deputy Leader	..... Cllr Ian Ward	.....
Cabinet Member for Commissioning, Contracting and Improvement	..... Cllr Stewart Stacey	.....
Chief Officer	..... Jacqui Kennedy, Acting Strategic Director of Place	.....

<b>List of Background Documents used to compile this Report:</b>
Cabinet Report 16 December 2013, Sport and Physical Activity Review – Transformation of the Leisure Service.
Cabinet Report 17 March 2014, Sparkhill Pool and Fitness Centre – Contract Award (Public and Private Reports)

<b>List of Appendices accompanying this Report (if any):</b>

<b>Report Version</b>		<b>Dated</b>	
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<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>ASSISTANT DIRECTOR PROCUREMENT</b>
<b>Date of Decision:</b>	<b>17<sup>th</sup> NOVEMBER 2015</b>
<b>SUBJECT:</b>	<b>PLANNED PROCUREMENT ACTIVITIES (JANUARY 2016 – MARCH 2016) AND QUARTERLY CONTRACT AWARD SCHEDULE (JULY 2015 – SEPTEMBER 2015)</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: n/a</b>
<b>If not in the Forward Plan: (please "tick" box)</b>	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cabinet Member, Commissioning, Contracting &amp; Improvement</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources Overview &amp; Scrutiny Committee</b>
<b>Wards affected:</b>	<b>All</b>

<b>1. Purpose of report:</b>
<p>1.1 This report provides details of the planned procurement activity for the period January 2016 – March 2016 and all contract award decisions made under Chief Officer's delegation during the previous quarter. Planned procurement activities reported previously are not repeated in this report.</p>

<b>2. Decision(s) recommended:</b>
<p>That Cabinet</p> <p>2.1 Notes the planned procurement activities under officer delegations set out in the Constitution for the period January 2016 – March 2016 as detailed in Appendix 1.</p> <p>2.2 Notes the contract award decisions made under Chief Officers delegation during the period July 2015 – September 2015 as detailed in Appendix 2.</p>

<b>Lead Contact Officer (s):</b>	
<b>Telephone No:</b> <b>E-mail address:</b>	Nigel Kletz Corporate Procurement Services Economy Directorate 0121 303 6610 Nigel.kletz@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

This report to Cabinet is copied to Cabinet Support Officers and to Corporate Resources Overview & Scrutiny Committee and is the process for consulting with and taking soundings from relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Corporate Resources Overview & Scrutiny Committee have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

#### **3.2 External**

None

### **4. Compliance Issues:**

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

Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

#### **4.2 Financial Implications**

Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

#### **4.3 Legal Implications**

Details of all relevant implications will be included in individual reports.

#### **4.4 Public Sector Equality Duty**

Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

## **5. Relevant background/chronology of key events:**

- 5.1 At the 19 July 2011 meeting of Council Business Management Committee changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £2.5m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 5.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Corporate Resources Overview & Scrutiny Committee. It also informs members of the contracts awarded under Chief Officers delegation between the period July 2015 – September 2015.
- 5.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£172k) and £2.5m. This will give members visibility of all procurement activity and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the delegation threshold.
- 5.4 Individual contracts can be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Corporate Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 5.5 Procurements below £2.5m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £2.5m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.

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

- 6.1 The report approved by Council Business Management Committee on 19 July 2011 set out the case for introducing this process. The alternative option is that individual procurements are referred to Cabinet for decision.

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

- 7.1 To enable Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £2.5m, unless TUPE applies to current Council staff.
- 7.2 To inform Cabinet of contract award decisions made under Chief Officers delegation during the period July 2015 – September 2015 as detailed in Appendix 2.



**Signatures:****Date:**

Name of Officer: .....  
Nigel Kletz – Assistant Director (Procurement)

.....  
Councillor Stewart Stacey, Commissioning, Contracting & Improvement

**List of Background Documents used to compile this Report:****List of Appendices accompanying this Report (if any):**

1. Appendix 1 - Planned Procurement Activity January 2016 – March 2016
2. Appendix 2 – Quarterly Award Schedule July 2015 – September 2015

<b>Report Version</b>	1	<b>Dated</b>	03/11/2015
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**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (JANUARY 2016 – MARCH 2016)**

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Planned CO Decision Date	Comments - including any request from Cabinet Members for more details	Living Wage apply Y / N
Delegated Extension Award	Joint Data Team Contract	P0187	Provides strategic planning and transportation planning data for the seven West Midland Metropolitan District Councils.	2 years	Economy	Deputy Leader	Simon Ansell	Andrea Webster	12/01/2016		Y
Approval To Tender Strategy	Litter Enforcement Officers	P304	To appoint an organisation to provide litter enforcement officers to patrol Birmingham City Centre to issue fixed penalty notices. The organisation will be responsible for the recruitment and management of the enforcement officers, all administrative tasks and the production of marketing materials to advise the public not to drop litter and the consequences of the enforcement.	4 years	Place	Sustainability	Parmjeet Jassal	Nicola Handley	12/01/2016		Y
Approval To Tender Strategy	Training for the Adults Social Care Workforce	P263	This opportunity is for a framework agreement for organisations to provide training for the Council's adults social care workforce.	4 years	People	Skills, Learning & Culture	Denise Wilson	Nicola Handley	12/01/2016		Y
Approval To Tender Strategy	Procurement Card Service	P116	To appoint an organisation to provide purchase cards which are to be used for low value (less than £500) non-contract spend by directorates and as a more cost effective payment method for low value purchases in schools.	4 years, 4 months	Economy	Deputy Leader	Jayne Bench	Lisa Haycock	12/01/2016		Y
Approval to Tender Strategy (SCN) / Award	Servicing, Supply of Spare Parts and Maintenance and Repair of Grounds Maintenance Equipment (GM)	F0127	Servicing, repair and spare parts for the mowing machinery used by Birmingham Parks & Nurseries (BPN) in delivering their grounds maintenance services to the Council.	2 years, 11 months	Place	Sustainability	Simon Hunt	Andrea Webster	12/01/2016		Y
Strategy / Award	Pay and Display Ticket Machine Maintenance	TBC	The provision of servicing and maintenance of pay and display ticket machines throughout the city.	3 years, 6 months	Economy	Development, Transport and the Economy	Paul Quinney	Charlie Short / Mike Evans	12/01/2016		Y
Approval To Tender Strategy	Food Purchasing Agent Service	P309	A food purchasing agent is required to be appointed to support the provision of food, procure and manage contracts, establish full management data on the Council's food and drink requirements and to use this data to improve the reliability and cost efficiency of the supply chain.	4 years	Economy	Deputy Leader	John Barr	Lisa Haycock	12/01/2016		Y
Approval To Tender Strategy	Insurance Renewals for: Cash & FG, Members PA, Grand Central & Leasehold Flats	P203	Grand Central Insurance – property insurance in respect of fire and perils for the Grand Central shopping complex where premiums are recharged to tenants of the premises and cover is subject to minimum levels of claim deductible.	3 years	Economy	Deputy Leader	Sukvinder Kalsi	Mohammed Yahah	12/01/2016		Y

## Appendix 2 – Quarterly Contract Award Schedule (July 2015 – September 2015)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Commissioning, Contracting & Improvement Plus	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Chief Officer	Actual Go Live date
Delegated Contract Award	The Renewal of Employers Liability, Motor and Engineering Insurance Policies	P0236B	Provides details of the procurement process carried out for the renewal of the Engineering Insurance Policy.	5 years	Economy	Deputy Leader	Sukhvinder Kalsi	Mohammed Yahiah	Cabinet approved the Approval to Tender Strategy on 17/11/2014 and delegated award to CO. Delegated Award Report signed 24/07/2015.	Zurich Municipal Plc	Nigel Kletz	01/08/2015
Delegated Contract Award	Advocacy under the Care Act 2014 - (NOW CALLED Independent Advocacy)	C0216R	The Care Act 2014 places a duty on local authorities in certain specified circumstances to arrange for an independent advocate to be available to facilitate the involvement of an adult or carer.	1 year plus 1 year option to extend	People	Health and Social Care	Margaret Ashton-Gray & Shabir Ladak	Robert Cummins	Presented to Cabinet for info 08/12/2014. Approval to Tender Strategy Report signed 24/04/2015 and delegated the award to CO. Delegated Contract Award signed 31/07/2015.	VoiceAbility Advocacy	Peter Hay / Nigel Kletz	01/08/2015
Delegated Contract Award	Youth Promise Targeted and Specialist Mentoring	P0273	To provide specialist mentoring to target the city's vulnerable pre-NEET (not entering employment, education and training) and NEET cohort. This includes young people with special educational needs and disabilities and homeless, children in care, care leavers, young offenders and homeless young people.	2 years	Place	Skills, Learning and Culture	Parmjeet Jassal	Nicola Handley	Presented to Cabinet for info 16/02/2015. Approval to Tender Strategy Report signed 06/05/2015 and delegated the award to CO. Delegated Contract Award signed 06/08/2015.	<b>Lot 1 - Children in Care and Care Leavers</b> Core Assets Children's Services Limited <b>Lot 2 - Young Offenders and Young People at Risk of Offending</b> SOVA	Nigel Kletz / Jacqui Kennedy	17/08/2015
Strategy / Award	The procurement of 360 Litre Wheelie Bins	P0283	The supply and delivery of approximately 7,000 360 litre wheelie bins is required to complete the role out of wheelie bins for flats and maisonettes for the Lifford Depot.	1 year	Place	Sustainability	Paul Quinney	Lisa Haycock	Presented to Cabinet for info 29/06/2015. Strategy / Award Report signed 07/08/2015.	1) Abfellbehalter 2) Container Weber UK Ltd	Nigel Kletz	03/08/2015
Delegated Contract Award	Warranty and Indemnity Insurance	P0288	Provision of warranty and indemnity insurance policy.	7 years	Economy	Sustainability	Sukhvinder Kalsi	Mohammed Yahiah	Cabinet approved the NEC Business Planning Report on 20/10/2014 and delegated the award to CO. SCN Report signed 03/08/2015. Delegated Contract Award Report signed 06/08/2015.	Hunter George and Partners Ltd	Nigel Kletz	06/08/2015
Delegated Contract Award	Child-minding Inclusion Service. (NOW CALLED Childminding Inclusion Services for Disabled Children with Complex Needs)	CCOM 012	Procure provider of required service. This is in line with recent procurement of other services for disabled children.	2 years	People	Children's Services	Anil Nayyar	John Freeman	Presented to Cabinet for info 16/01/2015. Approval to Tender Strategy Report signed 17/06/2015 and delegated the award to CO. Delegated Contract Award signed 25/08/2015.	Burberry Park Childminder Resource Centre	Peter Hay / Nigel Kletz	01/10/2015
Delegated Contract Award	Provision of an Associates Framework Agreement (P165 - Tranche 5)	P165	Details of the procurement process carried out for tranche 5 for the provision of the Associates Framework Agreement.	2 years	Economy	Deputy Leader	Jayne Bench	Sanita Aitan	Cabinet approved the Approval to Tender Strategy on 21/10/2013 and delegated award to CO. Delegated Award Report signed 04/09/2015. Tranche 1 awarded 26/06/2014. Tranche 2 awarded 15/01/2015 (but not Lot 3 - HR). Parts of Tranche 2, 3 and 4 yet to be awarded.	<b>Lot 4 - Procurement</b> 1) Bidder Writer Consultancy Ltd 2) Castlewhite Solutions Ltd 3) SG Transport Innovation Ltd	Nigel Kletz	07/09/2015
Delegated Contract Award	Client Technical Support for Schools Capital Programme	P0234	Requirement for continued technical support (client side) to support the delivery of the schools capital programme and the schools landlord function. The contract will be tendered by two lots, one for each work package: technical advice and a rolling programme of maintaining asset surveys.	4 years	People	Children's Services	Anil Nayyar	Emma Leaman / Debbie Husler	Presented to Cabinet for info 16/02/2015. Tender Strategy Report signed 28/05/2015. Delegated Award report signed 24/09/2015.	1st Planner Ltd	Peter Hay / Nigel Kletz	15/10/2015
Delegated Extension Award	Council Housing Repair, Maintenance, Gas and Improvement Services	F0116 and F0165	Provide details of the outcomes of negotiations with the individual contractors and makes recommendation for the extension of contracts to enable the continued provision of statutory housing repair, gas servicing and maintenance services.	9 months	Place	Neighbourhood Management & Homes and Commissioning	Guy Olivant	John Jamieson / Andrea Webster	Cabinet approved the Approval to Tender Strategy 17/03/2014 and delegated the award and option to extend to CO. SCN signed at Cabinet 16/03/2015. Delegated Extension Award signed 22/09/2015.	1) PH Jones Ltd 2) Mears Ltd 3) Willmott Dixon Partnerships Ltd 4) Morrison Ltd	Jacqui Kennedy / Nigel Kletz	01/10/2015
Delegated Extension Award	Building Services & Fabric Maintenance for the Library of Birmingham	P0240	Provision of building services & fabric maintenance for the Library of Birmingham.	1 year	Economy	Skills, Learning and Culture	John Barr	Marion Jacobs	Presented to Cabinet for info 14/07/2014. Approval to Tender Strategy Report signed 01/08/2014. Delegated Award Report signed 30/09/2014. Delegated Extension Award Report signed 28/09/2015.	Airtech Optimise Limited	Paul Dransfield / Nigel Kletz	01/10/2015

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>CABINET</b>
<b>Report of:</b>	<b>Director of Legal &amp; Democratic Services</b>
<b>Date of Decision:</b>	<b>17 November 2015</b>
<b>SUBJECT:</b>	<b>APPOINTMENTS TO OUTSIDE BODIES</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/>
	<b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member(s):</b>	<b>Cllr Sir Albert Bore, Leader</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Cllr Waseem Zaffar, Corporate Resources O &amp; S Committee</b>
<b>Wards affected:</b>	<b>City Wide</b>

<b>1. Purpose of report:</b>
The report seeks the approval of the Cabinet to the appointment of representatives to serve on outside bodies detailed in the appendix to this report.

<b>2. Decision(s) recommended:</b>
That representatives be appointed to serve on the Outside Bodies detailed in the appendix to this report.

<b>Lead Contact Officer(s):</b>	Celia Janney
<b>Telephone No:</b>	Committee Services
<b>E-mail address:</b>	Tel: 0121 303 7034
	e-mail: celia.janney@birmingham.gov.uk

<b>3. Consultation</b>
<p>3.1 <u>Internal</u></p> <p>Councillor Sir Albert Bore, Leader of the Council.</p> <p>For appropriate items, the Secretaries to the Political Groups represented on the Council.</p> <p>3.2 <u>External</u></p>
<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>The appointments are consistent with the legal and constitutional requirements of the City Council.</p> <p>4.2 <u>Financial Implications</u> <u>(Will decisions be carried out within existing finances and Resources?)</u></p> <p>There are no additional resource implications.</p> <p>4.3 <u>Legal Implications</u></p> <p>See paragraph 4.1.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>The main risk of not making appointments might lead to the City Council not being represented at meetings of the bodies concerned. It is always important in making appointments to have regard to the City Council's equal opportunities policies.</p>

**5. Relevant background/chronology of key events:**

At the Annual General Meeting on 22 May, 2012, the City Council approved changes to the Constitution and Article 11 sets out those appointments that are reserved to the full City Council to determine. All other appointments of Members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.

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

Not applicable, as these appointments are a matter for the Cabinet to determine.

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

To approve the appointment of representatives to serve on Outside Bodies

**Signatures****Date**

Cabinet Member

.....

.....

Chief Officer:

.....

.....

**List of Background Documents used to compile this Report:**

1. Report of the Council Business Management Committee to City Council on 24 May 2005 "Annual Review of the City Council's Constitution"; along with relevant e-mails/ file(s)/correspondence on such appointments.

**List of Appendices accompanying this Report (if any):**

1. Appendix to Report to Cabinet 17 November 2015 – Appointments to Outside Bodies



**DRAFT APPENDIX TO REPORT TO CABINET 17 November 2015**  
**APPOINTMENTS TO OUTSIDE BODIES**

**1. Summary of Decisions**

With reference to those bodies included in this report where the terms of office of City Council representatives expire, the Cabinet is asked to note that, where appropriate, the representatives have been contacted and in accordance with the practice agreed by Resolution No. 2769, of the former General Purposes Committee unless indicated, are not willing to be re-appointed. Accordingly, unless indicated in this report, such representatives are not willing to be re-appointed.

**2. Access Committee for Birmingham**

Councillor Shafique Shah (Labour) has expressed a willingness to serve on Access Committee for Birmingham.

**RECOMMENDED:-**

That Councillor Shafique Shah (Labour) be appointed to serve as a Representative on Access Committee for Birmingham for the remainder of the 1 year period of office ending on June 2016 in place of Councillor James McKay (Labour).

**3. West Midlands Strategic Migration Board**

Councillor Shafique Shah (Labour) has expressed a willingness to serve on West Midlands Strategic Migration Board.

**RECOMMENDED:-**

That Councillor Shafique Shah (Labour) be appointed to serve as a Representative on West Midlands Strategic Migration Board for the remainder of the 1 year period of office ending on June 2016 in place of Councillor James McKay (Labour).

**4. Muntz Trust**

As the term of office of Honorary Alderman Mrs T Stewart (Labour) expires on the 1 December 2015 a vacancy exists for Nominative Trustee for 1 year i.e. 2 December 2015 until 1 December 2016.

As the term of office of Mrs M Bartley (Labour) expires on the 1 December 2015 a vacancy exists for Nominative Trustee for 1 year i.e. 2 December 2015 until 1 December 2016.

As the term of office of Mr G Franks (Conservative) expires on the 1 December 2015 a vacancy exists for Nominative Trustee for 1 year i.e. 2 December 2015 until 1 December 2016.

As the term of office of Mr Alistair Dow (Liberal Democrat) expires on the 1 December 2015 a vacancy exists for Nominative Trustee for 1 year i.e. from 2 December 2015 until 1 December 2016.

Proportionality is applicable to these appointments. The current proportionality is 3:1:0.

**RECOMMENDED:-**

That .....(Labour) be appointed to serve as a Nominative Trustee on Muntz Trust from 2 December 2015 until 1 December 2016.

That .....(Labour) be appointed to serve as a Nominative Trustee on Muntz Trust from 2 December 2015 until 1 December 2016.

That .....(Labour) be appointed to serve as a Nominative Trustee on Muntz Trust from 2 December 2015 until 1 December 2016.

That .....(Conservative) be appointed to serve as a Nominative Trustee on Muntz Trust from 2 December 2015 until 1 December 2016.

**5. The Charles Lane Trust**

As the term of office of former Councillor Paula Smith expires on 5 December 2015, a vacancy will exist for Nominative Trustee for a period of 4 years i.e. 6 December 2015 until 5 December 2019. The Nominative Trustee may, but need not, be a member of the Council. Proportionality is applicable. The current proportionality is 1:1:0. The other existing Trustee is Mr Brain (Labour).

**RECOMMENDED:-**

That .....(Conservative) be appointed to serve as a Nominative Trustee on The Charles Lane Trust from 6 December 2015 until 5 December 2019.