

**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**

**BIRMINGHAM CITY COUNCIL**

**JOINT CABINET MEMBER AND CHIEF OFFICER**

**THURSDAY, 27 OCTOBER 2016 AT 00:00 HOURS**  
**IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

**A G E N D A**

**3 - 16**

**1     SAFETY WORKS TO PARKS POOLS PROGRAMME PHASE 4**

Report of Assistant Director - Sport, Events and Parks



<b>Report to:</b>	<b>THE LEADER JOINTLY WITH THE ACTING STRATEGIC DIRECTOR OF PLACE</b>	
<b>Report of:</b> <b>Date of Decision:</b>	<b>Assistant Director Sport, Events and Parks 27 October 2016</b>	
<b>SUBJECT:</b>	<b>SAFETY WORKS TO PARK POOLS PROGRAMME PHASE 4</b>	
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:N/A</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>The Leader of the Council, Councillor John Clancy</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Mohammed Aikhlaq, Corporate Resources and Governance Overview and Scrutiny Committee</b>	
<b>Wards affected:</b>	<b>City Wide</b>	

**1. Purpose of report:**

- 1.1 To seek approval to undertake statutory works to category 1 pools as identified by the Environment Agency and Transportation (Highways – Infrastructure Drainage), who act as the City Council's managing agent in order to meet our legislative obligations as outlined in the Reservoirs Act 1975. This is mandatory and therefore the identified works must be carried out. The estimated cost of the works for phase 4 is £0.39m
- 1.2 To report on the progress of the phase 3 programme of works (Appendix 2).
- 1.3 The benefits of this proposal are that the City Council will be addressing its statutory obligations and ensuring that its pools and reservoirs are maintained and upgraded to meet health and safety requirements. There will also be a benefit to local communities enhancing the visitor experience.
- 1.4 To seek approval to place orders to progress the implementation of the programme of phase 4 works.

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

That the Leader and Acting Strategic Director Place:-

- 2.1 Approve the updated programme of works for phase 4 (appendix 1).
- 2.2 Note Appendix 2 detailing previous spend from the programme
- 2.3 Authorise the Assistant Director, Sport, Events and Parks to instruct the Assistant Director, Highways and Infrastructure to place orders (as per appendix 1) with approved term contractors, not to exceed the sum £0.39m
- 2.4 Authorise the Interim City Solicitor to prepare, negotiate, execute, seal and complete all documentation as necessary to give effect to the above recommendations

<b>Lead Contact Officer(s):</b>	Lesley Steele , BPS
<b>Telephone No:</b>	0121 303 8857
<b>E-mail address:</b>	Lesley.Steele@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

The Constituency Parks Managers have all been consulted on the individual proposals. The consultation will be ongoing with the Executive Members for the affected Districts together with the ward members as individual projects are delivered. Legal and Democratic Services and City Finance have been involved in the preparation of this report.

#### **3.2 External**

The Environment Agency will be kept informed of progress on individual projects. The Constituency Parks Managers will engage with the public to ensure they are kept informed of the proposals as they are progressed.

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

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

The proposal contributes towards the following key outcomes as identified in the Business Plan and Budget 2016+; 'Thriving local communities' and 'A healthy, happy City'. The proposal will have a positive impact on the sustainable environment, protecting land and property.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finance and Resources?)

##### **4.2.1**

A 5 year investment programme of £2.75m was approved by Cabinet in March 2010 for the completion of safety works at the Council's parks pools and reservoirs. A total of £2.36m has been approved and spent to date

(Phases 1 to 3) and the remaining £0.39m will now be utilised as part of Phase 4. The investment of £2.75m was funded entirely by corporate resources (a combination of unapplied capital receipts and repayable prudential borrowing).

##### **4.2.2.**

There is a revenue provision of £0.066m in the service budgets to meet the costs of routine annual cyclical maintenance.

##### **4.2.3**

Additional work is in progress to develop a programme for the next 5 years to ensure the continued future safety of these pools and reservoirs and the details will be reported as part of the future annual City Council Business Plan and Budget Report to City Council.

#### **4.3 Legal Implications**

##### **4.3.1**

The Council is exercising functions under the Reservoirs Act 1975 and Flood Water Management Act 2010.

One of the objectives of the Reservoirs Act is the minimisation of the risk of a reservoir failing. It provides a legal framework to ensure the safety of reservoirs that hold at least 25,000 cubic meters of water.

##### **4.3.2**

The Flood and Water Management Act 2010.

##### **4.3.3**

Data Protection - This proposal does not involve processing personal data or sharing information with 3<sup>rd</sup> party providers.

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.

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

A copy of the Equality Act 2010 – Public Sector Duty statement together with the initial equality assessment screening are appended – Appendix 3. A full assessment is not required.

<b>5.</b>	<b>Relevant background/chronology of key events:</b>
5.1	Birmingham has a total of 48 reservoirs and pools located throughout the City. 11 of these pools are classified as reservoirs (Category 1) and are therefore governed by the Flood and Waste Management Act 2010. The remaining 37 (Category 2) are governed by the Flood and Waste Management Act 2010. Both categories of pool must be maintained to a high standard as they are accessible to the general public.
5.2	A capital budget totalling £2.75m and associated programme of works was approved at Cabinet on 8th March 2010 to address the City's statutory obligations in the safe management of its reservoirs and pools through a programme of capital works and improvements.
5.3	A Project Definition Documentation (PDD) was approved 14th December 2010 releasing funding to carry out phase 1 of the work. A second report and PDD was approved 19th March 2013 to release further funding for phase 2. A third report was approved 26th February 2015. Some works from the first two phases had to be re-phased for later in the programme therefore phase 3 utilised this remaining funding. Phase 1, 2 and 3 have expended £2.36m of the total budget as detailed in Appendix 2. The work identified in phase 4 of the programme is the last to be completed from the original approved budget. It is asked that approval is given for the balance of the programme to be put towards this final phase outlined in Appendix 1.
5.4	The programme of works attached in appendix 1 outlines the works that have been identified for phase 4 of the programme. Generally these works include improvements to the spillways and penstocks. The identified works will ensure that the reservoirs can accommodate excess flow during times of inclement weather without risk of the dams bursting and the embankments collapsing.
5.5	The works will be procured by Transportations Highways Infrastructure Section who will place orders with their term contractors. Transportation Highways Infrastructure went to tender through the 'Find it in Birmingham' and Intend system in July 2011 for a 4 year period which has been extended until 14 <sup>th</sup> October 2016. The contract is known as the Miscellaneous Drainage Works Contract Number 73174. Transportation Highways Infrastructure are currently going through a procurement process to have a new contract in place by October 2016 to replace the former one for a term of 3 years.
5.6	A new 5 year programme of works is being developed in line with the Environment Agency's recommendations to ensure the continued future safety of the pools and reservoirs that sit within the stated legislation. This will be reported as part of the future annual City Council Business Plan and Budget Report to the Council.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	Do nothing – this is not an option as the local authority has a statutory obligation to carry out the works outlined in this proposal.
6.2	Close the pools to the public – this would be impractical to enforce and would have a negative impact on the environment. Furthermore it would not address Birmingham City Councils statutory obligations.
<b>7.</b>	<b>Reasons for Decision(s):</b>

- |     |   |
|-----|---|
| 7.1 | To approve the programme of works for phase 4 and the placing of orders to process the mobilisation of works on site. |
| 7.2 | To ensure that the City Council meets its statutory obligations.  |
| 7.3 | To support the Council's priorities.  |

Signatures		Date
Cabinet Member	..... Councillor John Clancy, Leader of the Council	.....
Chief Officer	..... Jacqui Kennedy, Acting Strategic Director of Place	.....

<b>List of Background Documents used to compile this Report:</b>
Relevant officer files save for confidential information Project Definition Document: Safety works to Parks Pools Phase 1 & Cabinet Committee Property Report 14th December 2010 Safety Works to Parks Pools Phase 2 Programme – 19th March 2013 Safety Works to Parks Pools Phase 3 Programme – 26th February 2015

<b>List of Appendices accompanying this Report (if any):</b>
1 Proposed Phase 4 Programme 2 Review of Phase 3 Programme 3 Public Sector Equality Duty Statement and Initial Screening

<b>Report Version</b>		<b>Dated</b>	<b><u>September 2016</u></b>
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## Appendix 1

### SAFETY WORKS TO PARKS POOLS AND RESERVOIRS PROGRAMME

#### PROPOSED PROGRAMME OF WORKS - PHASE 4

	Estimate	Description of works
	£	
<b><u>Category 1 Reservoirs</u></b>		
Balance remining for phase 4	387,010	
Blackroot Pool	358,000	Construction of new auxillary spillway along the length of the dam inclusive of new walls, land drainage, twin penstocks and raising the ground level.
Witton Reservoir	22,431	costs to estimate capabilities of draw off and low level outlet.
Fees	6,579	
TOTAL	387,010	

SAFETY WORKS TO PARKS POOLS AND RESERVOIRS PROGRAMME

UPDATE OF PHASES 1,2 AND 3  
TOTAL BUDGET ALLOCATION £2.751m

Safety Works to Parks Pools

	Phase 1 Approval £	Phase 2 Approval £	Actual spend ph1 and ph2 £	Phase 3 Approval £	Actual spend ph3	Total Spend £	Status of Works
<b><u>Category 1 Reservoirs</u></b>							
Blackroot Pool	138,000	0	66,669	56,000	56,144	122,813	
Bracebridge Pool	56,000	0	40,817	0	0	40,817	
Longmoor Pool	113,500	0	94,460	0	37,944	132,404	Emergency works due to dam leak
Powells Pool	34,000	110,000	166,817	0	0	166,817	
Wyndley Pool	80,000	0	52,229	0	0	52,229	
Lifford Reservoir	77,000	48,000	101,898	0	0	101,898	
Perry Park Pool	48,800	0	34,148	90,000	87,852	122,000	
Salford Reservoir	84,300	0	15,985	155,000	152,362	168,347	
Swanshurst Reservoir	190,200	0	169,105	0	0	169,105	
Trittiford Reservoir	160,200	96,300	78,035	500,000	389,998	468,033	
Witton Pool	42,500	24,500	14,172	0	0	14,172	
<b><u>Category 2 Reservoirs</u></b>							
Brookvale Park	10,000	0	2,036	0	0	2,036	
Pype Hayes Park	29,500	0	13,141	0	0	13,141	
Cannon Hill Park Canoe and Breeding Pool	29,500	0	17,340	29,500	21,798	39,138	
Cannon Hill Park Boating Pool	30,500	0	0	0	0	0	Alternative funding utilised
Cotterills Lane	0	105,000	82,212	0	0	82,212	
Ward End Park	26,500	0	0	0	0	0	Work to be rephased
Lickey Hills Ornamental Pools	21,800	299,868	297,405	0	0	297,405	



Merecroft	90,500	61,500	23,000	39,000	24,124	47,124	
Keepers Pool	58,500	0	0	0	0	0	Work to be rephased
Fox Hollies Pool	2,000	0	0	0	0	0	Work to be rephased
Small Heath Park	36,500	161,000	190,083	81,134	85,812	275,895	
Manor Farm	26,500	0	0	0	0	0	Work to be rephased
Various	0	0	48,404	0	0	48,404	
Fees ( Highways ) included in figures							
TOTAL	1,386,300	906,168	1,507,956	950,634	856,034	2,363,990	Budget balance of £387,010 to be utilised for final phase 4 works



## 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>

## INITIAL SCREENING – STAGE 1 (See Guidance information page 4)

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

**Please complete the following questions to determine whether a Full EINA/EQUALITY ANALYSIS is required.**

<b>Name of policy, strategy or function:</b> Safety Works to Parks Pools Programme	<b>Ref:</b> LSD1302PP.
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<b>Responsible Officer:</b> Darren Share	<b>Role:</b> Head of Parks
<b>Directorate:</b> Local Services	<b>Assessment Date:</b> 31 <sup>st</sup> January 2013

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

<b>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</b>
<p>The proposal is to address legislative (Reservoirs Act 1975) and Health and Safety Issues on our category 1 designated reservoirs (11 in total) and our smaller category 2 pools (37 in total). All 48 pools/reservoirs are sited in Parks and Nature Conservation managed parks or areas of public open space. All of the sites are accessible to all sectors of the community and this will continue. The programme of works is to ensure they are safe and improve the sustainable environment together with reducing the threat of flooding within the vicinity. Examples of some of the works include: improving banks and walls on pool edges, improving paths and access around the pools, desilting of pools, improving the inlet and outlet flow of the pools etc</p>



**2. Explain how the main aims of the policy, strategy, function or service will support the Equality Duties?**

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

**Foster Good Relations**

The proposal will provide a safe environment for all visitors, staff and residents living within the vicinity as well as safeguarding property from the threat of flooding.

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

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

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

**Employees & Service Users**

The proposal will endeavour to protect both the well being and safety of visitors and the staff employed to work on the 48 sites by improving safety in and around the pools.

The proposed schemes will improve the pools and reservoirs that service users visit and reduce the threat of flooding e.g. by improving banks and walls on the pool edges.

**Wider Community**

The schemes are required by legislation to improve the reservoirs and pools safety. It will also minimise the risk of the pools flooding and threatening property and lives within the vicinity.

**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**

NO – The proposal will endeavour to protect both the well being and safety of visitors and the staff employed to work on the 48 sites by improving safety in and around the pools. It will also minimise the risk of the pools flooding and threatening property and lives within the vicinity.

**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**

There is no aspect of the proposal that could contribute to inequality. The sites are open to all (visitors and staff) and these schemes will improve the pools/reservoir.

**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/EQUALITY ANALYSIS.

Does the Policy, Strategy, Function or Service require a Full EINA/EQUALITY ANALYSIS? **Yes**  
☐ **No** ☒

If a Full EINA/EQUALITY ANALYSIS 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/EQUALITY ANALYSIS Contact Officer.

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



## DECLARATION

A Full EINA/EQUALITY ANALYSIS 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: Darren Share (Head of Parks)

Rachel Davis Project Manager, Local Property Management ( Birmingham Property Services)

Lesley Steele BCM Projects , Local Property Management (Birmingham Property Service)

Summary statement:

The initial screening for this proposal indicates that it will have no adverse impact or discriminate against any sector of the community. It is concluded that a full EA is not required.

Sign-off Date: 31/01/2013

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

Name: Lesley Ariss  Directorate: Local Services  Contact number: 303 9121	Date undertaken: 14.03.2013	Screening review statement:
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## EINA/EQUALITY ANALYSIS Task Group Members

<input type="checkbox"/>	<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1.	Darren Share	Chairperson, Head of Parks	303 4103
2.	Rachel Davis	Project Manager	303 3985
3.	Robin Bryan	Constituency Parks & Custom Liaison Manger	464 0448
4.	Lesley Steele	BCM -Projects	303 8857
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