

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET MEMBER FOR TRANSPORT & ROADS, JOINTLY WITH THE STRATEGIC DIRECTOR FOR ECONOMY
Report of:	ASSISTANT DIRECTOR OF TRANSPORTATION AND CONNECTIVITY
Date of Decision:	14th December 2016
SUBJECT:	BIRMINGHAM CYCLE REVOLUTION PHASE 3: TOP CYCLE LOCATION (CYCLE PARKING GRANTS) – FULL BUSINESS CASE
Key Decision: No	Relevant Forward Plan Ref: N / A
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Members:	Councillor Stewart Stacey – Transport & Roads
Relevant O&S Chairmen:	Councillor Zafar Iqbal – Economy, Skills and Transport
Wards affected:	City-Wide

1. Purpose of report:
<p>1.1 To seek approval to the Full Business Case (FBC) for a new tranche of Top Cycle Location (Cycle Parking Grants) to businesses, schools and other organisations, as part of the Birmingham Cycle Revolution (BCR) Phase 3 programme funded from the Department for Transport (DfT) Cycle City Ambition Grant (CCAG). Further details of the scheme are given in Section 4.2 and Appendix A. Expenditure in 2017/18 is subject to written confirmation of BCR funding for that year from DfT.</p> <p>1.2 To seek approval for the Assistant Director of Transportation and Connectivity to make grant payments.</p>

2. Decision(s) recommended:
That the Cabinet Member for Transport & Roads jointly with the Strategic Director for Economy:
<p>2.1 Approves the Full Business Case for Top Cycle Location (Cycle Parking Grants) as part of the Birmingham Cycle Revolution Phase 3 programme in 2016/17 and 2017/18, as shown in Appendix A, at an estimated total capital cost of £0.500m.</p> <p>2.2 Authorises the Assistant Director of Transportation and Connectivity to make grant awards and payments to successful bidders, up to a maximum of £0.010m to any individual organisation and up to a total of £0.450m overall (excluding fees), subject to requests for reimbursement meeting the requirements set out within the claim process outlined in Section 5 of this report.</p> <p>2.3 Notes that the grants funded through the proposed expenditure of £0.250m in 2017/18 will not be awarded until the DfT confirm on-going funding for the BCR programme in that year.</p> <p>2.4 Authorises the City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.</p>

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3. Consultation

3.1 Internal

- 3.1.1 The proposed measures form part of the BCR Phase 3 programme and Ward Councillors were consulted on the contents of the programme, as part of the development of the bid and the Project Development Document (PDD) in 2015. Ward Councillors will be provided with information on the grants and the application process, as part of the public launch, which is expected to take place in early 2017 following approval of the FBC.
- 3.1.2 The Cabinet Member for Clean Streets, Recycling and the Environment has been consulted on the contents of this report and is supportive of the proposals. The Cabinet Member for Value for Money and Efficiency has been consulted and is in agreement with the contents of this report.
- 3.1.3 Officers from City Finance, Procurement and Legal & Democratic Services have been involved in the preparation of this report.

3.2 External

- 3.2.1 A public launch will take place, which is currently expected to be in early 2017. This will include press releases and other information, giving details of the proposals and the grant application process.

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. 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 and Budget 2016+ and other documents, in particular for '*a strong economy*' and '*a healthy happy city*'. The measures also support policies within the West Midlands Strategic Transport Plan. Further details are given in Appendix A.

4.2 Financial Implications

- 4.2.1 The total capital cost is estimated to be £0.500m (including £0.050m of fees) in 2016/17 and 2017/18. This will be funded through the second tranche of the DfT's CCAG funding, for BCR Phase 3. Further details are given in the Financial Table in Appendix A. All grant payments will be made before the end of the CCAG funding in March 2018.
- 4.2.2 The DfT confirmed the funding in principle for BCR Phase 3 by letter on 23rd March 2015, and the first instalment of £1.000m and its associated conditions on 23rd April 2015. Confirmation of funding of £3.800m for 2016/17 was received on 22nd April 2016. An additional £2.017m of funding for 2016/17 was offered by the DfT on 8th August 2016 and accepted on 23rd August 2016.
- 4.2.3 On-going funding for 2017/18 is still subject to confirmation by the DfT. The Top Cycle Location grants funded through the proposed expenditure of £0.250m in 2017/18 will not be awarded until the DfT confirm funding for the BCR programme in that year. This confirmation is expected in April 2017.
- 4.2.4 Procurement of the equipment and other measures funded through Top Cycle Location will be the responsibility of the organisations receiving the grants.

- 4.2.5 There will be no changes to highway assets and no implications for the Highways Maintenance Revenue Budget in providing these grants as the assets purchased through the scheme will become the responsibility of the organisations receiving the grants.
- 4.2.6 Risk management assessments were carried out for previous tranches of Top Cycle Location. These have been reviewed and updated and are included in Appendix C.
- 4.3 Legal Implications
- 4.3.1 The Council in carrying out the Behaviour Change activities will do so under its powers within Section 1 of the Localism Act 2011.
- 4.3.2 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.
- 4.4 Public Sector Equality Duty
- 4.4.1 Equality Analyses for the overall BCR programme were produced prior to approval of the PDDs for Phase 1 in April 2013 and Phases 2 and 3 in March 2015. A specific Analysis for the Supporting Measures (including Top Cycle Location) was produced in October 2014 and a new version has now been produced just for Top Cycle Location, and is included in Appendix B (Ref EA001320). This concluded that there is no detriment to any protected group. Organisations can make requests for adaptive bikes for people with disabilities as part of the grant application process.

5. Relevant background/chronology of key events:

5.1 BCR Programme Summary

- 5.1.1 The BCR programme is currently being delivered in three phases. All three phases include a combination of highway infrastructure, off road routes, and supporting measures:
- BCR Phase 1 at a cost of £19.9m funded through £17.0m of the DfT's first tranche of CCAG capital funding and £2.9m from the City Council's Integrated Transport Block (ITB) capital allocation and other local contributions. A Project Definition Document (PDD) was approved by Cabinet on 22nd April 2013.
 - BCR Phase 2 at a cost of £8.0m funded through £6.0m of the Greater Birmingham and Solihull Local Enterprise Partnership's 'Local Growth Fund' and £2.0m of local contributions including the City Council's ITB funds. A PDD was approved by Cabinet for all of the Local Growth Fund schemes on 16th March 2015.
 - BCR Phase 3 at a cost of £30m, funded through £22.1m of the DfT's second tranche of CCAG funding and local contributions totalling £7.9m. A PDD for this programme was approved by Cabinet on 16th March 2015.

5.2 Top Cycle Location (Cycle Parking Grants) – this approval

- 5.2.1 Previous FBCs for earlier tranches of Top Cycle Location approved £0.186m and £0.166m of expenditure from BCR Phase 1 on grants for businesses, schools and other major trip generators, along with a further £0.076m from BCR Phase 2 for further establishments which could not be accommodated from the Phase 1 funding. These previous tranches focused mainly on an area within a 20-minute cycling time of the city centre, which was the basis of the BCR Phase 1 funding bid to the DfT.
- 5.2.2 This new tranche of Top Cycle Location will give more businesses, schools and other organisations the opportunity to bid for grants. The project will now be extended city-wide rather than just focusing within the original 20-minute circle. The grants will be awarded to a minimum of forty-five Top Cycle Locations. It is anticipated that around half of the grants will go to schools and the other half to businesses and other organisations.

- 5.2.3 Organisations from across the city will be eligible to apply for grant funding of up to £10,000 each to be spent on parking and other facilities to support and promote cycling. Within the application, the organisation will be expected to make a detailed list of how they intend to use the funding. Following on from this, submitted grants will be assessed taking into account the size of the organisation, the level of commitment offered to the promotion of cycling, and potential for change in travel habits. Priority will be given to organisations in and around local centres and the Green Travel Districts, as well as to employers who have taken on apprentices. Schools and colleges will be required to sign up to 'Modeshift STARS' (Sustainable Travel Accreditation and Recognition for Schools), an online tool for educational establishments to update their school travel plan and achieve accreditation for actively promoting walking, cycling and other forms of sustainable travel.
- 5.2.4 It is expected that there will be a public launch in early 2017, which will ensure that organisations are made aware of the grants and the application process. Grants will be awarded in 2016/17 and – subject to confirmation of on-going funding from the DfT – in 2017/18.
- 5.2.5 Successful applicants will be expected to source and purchase their own equipment and submit invoices to the City Council for reimbursement. Audits will be carried out to ensure that the grant-funded measures have been installed prior to grant payments being made. This approach has been discussed and agreed with Legal and Procurement Services. A copy of the application form, including the terms and conditions, is provided in Appendix E to this report.
- 5.2.6 The grants will be paid net of VAT and it will be the responsibility of the organisations concerned to pay / reclaim this as appropriate.
- 5.3 Other Information
- 5.3.1 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.
- 5.4 Procurement
- 5.4.1 Procurement will be the responsibility of the organisations which are successful in being awarded the grant funding. Although the value of the grants issued will be below the threshold that would require sign-up to the Birmingham Business Charter for Social Responsibility, grant recipients will be encouraged to sign-up voluntarily as part of the application and assessment criteria.

6. Evaluation of alternative option(s):

- 6.1 Alternative options could include 'Do Nothing', but this could lead to the loss of the DfT funding which has been secured and reputational damage to the City Council. The potential benefits would not accrue and the achievement of BCR targets and objectives would be hindered.
- 6.2 The funding could be reallocated to other elements of the BCR Phase 3 programme, such as on-street or off-road cycle routes. However, the earlier phases of Top Cycle Location have been well supported by businesses, schools and other organisations, and there is a desire to expand the project from the original 20-minute circle to the whole of the city, particularly the local centres and Green Travel Districts. The Top Cycle Location element of BCR Phase 3 was also approved in principle by Cabinet at PDD stage.

7. Reasons for Decision(s):

- 7.1 The approval of the FBC for the BCR Phase 3 Top Cycle Location (Cycle Parking Grants) will allow the proposals to be finalised, organisations to be allowed to apply for grants, and for payments to be made to the successful organisations.

Signatures**Date**

Councillor Stewart Stacey –
Cabinet Member for Transport
and Roads

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Waheed Nazir –
Strategic Director for Economy

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List of Background Documents used to compile this Report:

'Birmingham Cycle Revolution Phase 3: Programme Definition Document', Report of the Deputy Chief Executive to Cabinet, 16th March 2015.

List of Appendices accompanying this Report:

Appendix A – BCR Phase 3 Top Cycle Location: Full Business Case

Appendix B – BCR Supporting Measures: Equality Analysis Ref EA001320

Appendix C – BCR Phase 3 Top Cycle Location: Risk Management Assessment

Appendix D – BCR Phase 3 Top Cycle Location: Implementation Programme

Appendix E – BCR Phase 3 Top Cycle Location: Application Form (copy)

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

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

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation