

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

**Report to:** CABINET  
**Report of:** CORPORATE DIRECTOR, ECONOMY  
**Date of Decision:** 27<sup>th</sup> MARCH 2018  
**SUBJECT:** PROJECT DEFINITION DOCUMENT – SNOW HILL PUBLIC REALM PROGRAMME  
**Key Decision:** Yes  
**Relevant Forward Plan Ref:** 002864/2017  
**If not in the Forward Plan:** Chief Executive approved ☐  
**(please "X" box)** O&S Chair approved ☐  
**Relevant Cabinet Member(s) or Relevant Executive Member:** Councillor Stewart Stacey – Cabinet Member for Transport and Roads  
Councillor Majid Mahmood – Cabinet Member for Commercialism, Commissioning and Contract Management  
**Relevant O&S Chair:** Councillor Zafar Iqbal – Economy, Skills and Transport  
Councillor Mohammed Aikhlaq – Corporate Resources and Governance  
**Wards affected:** Ladywood

### 1. Purpose of report:

- 1.1 To seek approval to the Project Definition Document (PDD) for the Snow Hill Public Realm Programme, as set out in Appendix 1, at a total estimated capital cost of £16.1m.
- 1.2 To approve the release of funding to complete the detailed design for the Programme and to develop the Full Business Cases (FBCs).
- 1.3 To delegate future FBC approvals for projects contained within the Programme to the appropriate Cabinet Members jointly with officers.
- 1.4 To delegate virement of funds between elements of the Programme to the appropriate officers.
- 1.5 To approve the proposed procurement strategy.

### 2. Decision(s) recommended:

That Cabinet:-

- 2.1 Approves the Project Definition Document (PDD) (Appendix 1) for the programme of projects detailed in the Snow Hill Public Realm Programme at a total estimated capital cost of £16.1m.
- 2.2 Approves the release of development funding up to a value of £1.25m to complete detailed design and development of the Full Business Cases for each of the projects within the Programme.
- 2.3 Delegates the approval of Full Business Cases for projects contained within Phase 1 and Phase 2 of the Programme, subject to the relevant funding providers confirming the budget allocations, to the Cabinet Member for Transport and Roads and the Cabinet Member for Commercialism, Commissioning, and Contract Management, jointly with the Corporate Director Economy.
- 2.4 Approves the procurement strategy set out in Appendix 6 and delegates the contract awards for the main works delivery for projects contained within Phase 1 and Phase 2 of the Programme, subject to the relevant funding providers confirming the budget allocations, to the Corporate Director Economy in conjunction with the Director of

Commissioning and Procurement, the Corporate Director Finance and Governance (or their delegates) and the City Solicitor (or their delegates).

- 2.5 Delegates authority to the Assistant Director of Transportation and Connectivity to vire funds between projects within Phase 1 and Phase 2 of the Programme up to a maximum of £1.0m per project and within the funding available for these projects.
- 2.6 Subject to approval of the funding applications, authorises the Corporate Director, Economy to accept grant funding from the Greater Birmingham and Solihull Local Enterprise Partnership Local Growth Fund, the Enterprise Zone, and the Colmore Business Improvement District.
- 2.7 Delegates authority to the Corporate Director, Economy to accept future grant funding from the Colmore Business Improvement District relating to this Programme as necessary.
- 2.8 Authorises the Corporate Director, Economy to agree to and settle the terms of a licence to complete works on private land as necessary.
- 2.9 Authorises the City Solicitor to negotiate, execute, and complete all necessary agreements and documentation to give effect to the above recommendations.

**Lead Contact Officer(s):** Claire Steiner – Principal Infrastructure Delivery Officer  
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### **3. Consultation**

#### **3.1 Internal**

- 3.1.1 Ward Members for Ladywood have been advised of the project and will continue to be consulted for each of the projects. The Cabinet Member for Clean Streets, Recycling and Environment has been briefed and supports the project.
- 3.1.2 Officers from City Finance, Procurement, and Legal and Governance have been involved in the preparation of this report.

#### **3.2 External**

- 3.2.1 The Snow Hill Public Realm Project Board has overseen the development of the programme and support progression as set out in this report. The board is a tri-partite arrangement between the City Council, Transport for West Midlands (TfWM), and Colmore Business Improvement District (Colmore BID).
- 3.2.2 Key Stakeholders and the public will be consulted for each project by the City Council and Colmore BID and the details reported in the individual FBCs.

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

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

- 4.1.1 The Snow Hill Public Realm project supports the Council's Vision and Forward Plan priorities, specifically growing the creation of "Jobs and Skills" through investment in transport infrastructure and improved connectivity that supports new developments being built in Birmingham. The project is aligned with the policies set out in Birmingham Connected, West Midlands Strategic Transport Plan, the Big City Plan, and the Snow Hill Masterplan.
- 4.1.2 The project aligns with the Greater Birmingham and Solihull Local Enterprise Partnership Strategy for Growth and Strategic Economic Plan.

- 4.1.3 The project proposals will support the Council's actions to improve air quality through enhancing the pedestrian environment and making the area less desirable for vehicles. An air quality impact assessment will be carried out and reported in the project FBCs.
- 4.1.4 Birmingham Business Charter for Social Responsibility (BBC4SR)
- Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of the contracts. The contractors undertaking the works for this project under the Council's Highways and Infrastructure Framework Agreement are certified signatories to the BBC4SR and will provide additional actions proportionate to the value of each contract awarded. The actions will be monitored and managed during the contract period.
- 4.2 Funding Implications
- 4.2.1 The estimated capital cost of the programme is £16.1m (inclusive of development funding). The project funding currently identified is £9.99m and consists of £4.66m Local Growth Fund, £2.98m Enterprise Zone, £1.4m Colmore BID Grant, and £0.95m from other private sector contributions including Section 106 monies. Development funding of £1.059m was previously approved to commence the development work and identify the projects to take forward. This approved funding was split between Local Growth Fund (£0.326m), Enterprise Zone (£0.275m), and Colmore BID Grant (£0.458m).
- 4.2.2 This currently identified funding will be used to complete the detailed design and development of the FBCs for all the projects within the programme and to deliver the projects contained within Phase 1 and Phase 2 of the programme. The project board will seek further funding to enable Phase 3 of the programme to be delivered. If sufficient funding becomes available, the progression of Phase 3 will be subject to further approvals.
- 4.2.3 The LGF funding is subject to approval of the Full Business Case by the GBSLEP with approval expected in May 2018. The Enterprise Zone (EZ) funding is also subject to approval by the EZ board with approval expected in June 2018. These budgets will not be committed until the approvals are granted.
- 4.2.4 A risk management schedule is attached as Appendix 4.

#### Revenue Implications – Maintenance

- 4.2.5 The Snow Hill Public Realm programme will create assets that form part of the highway upon completion of each project; as such they will need to be maintained within the overall highway maintenance regime. The estimated net cost of including these newly created assets for the programme within the highway maintenance regime is £50,000 pa. This additional cost will be funded from the provision for Highways Maintenance within Corporate Policy contingency.
- 4.2.6 Project 2.4 (Station Square) will be constructed wholly on private land and will be subject to planning permission being granted and consents being agreed with the relevant landowners. Project 1.1 (Colmore Row East and Livery Street) requires accommodation works to be completed on private land subject to agreement with the relevant landowners. Responsibility for future operation and maintenance will be subject to agreement with, and remain with the private landowners.
- 4.2.7 Details of the maintenance implications for each project will be reported in the project specific Full Business Cases.
- 4.3 Legal Implications
- 4.3.1 The City Council carries out transportation, highways and infrastructure works under the relevant primary legislation including the Town and Country Planning Act 1990, Highways Act 1980, Road Traffic Regulation Act 1984, Traffic Management Act 2004, Transport Act 2000, and other related regulations, instructions, directives, and general guidance.
- 4.4 Public Sector Equality Duty

- 4.4.1 An initial Equality Assessment (EA002721) was carried out in March 2018 for the programme and currently concludes that a full EA is not required, with no adverse impacts on protected groups. Further assessments will be carried out as part of the development of each scheme within the programme and will be reported at FBC stage.
- 5. Relevant background/chronology of key events:**
- 5.1 In 2014, the Snow Hill Interchange Plan (SHIP) was undertaken by Systra on behalf of Birmingham City Council, Transport for West Midlands, and Colmore Business Improvement District (Colmore BID). The SHIP sets out a programme of projects to be delivered over a 15 year timeframe to improve interchange, connectivity, and economic performance around Snow Hill Station. The SHIP has informed the Snow Hill Masterplan (SHM) which has been jointly developed with Colmore BID and other key stakeholders. The transport proposals within the SHM sit in the context of Birmingham Connected, Birmingham's long term strategy for its transport system.
- 5.2 The SHM was adopted by Birmingham City Council in October 2015 and sets out an approach to maximise the development of the Snow Hill district and transform its environmental quality and overall offer. Covering a 20 year period, the SHM builds upon the vision and broad principles set out in the Big City Plan, which sets out a strategic framework for the growth of the city centre underpinned by a series of development principles. One of these principles includes connectivity and improving the walkability of the city centre with a network of streets and spaces that, through public realm improvements, will contribute to the creation of a high quality environment attracting investors, visitors, businesses, and residents to the centre. High quality connections contribute to the economic performance and success of an area and help to maintain a competitive edge that is fundamental to the ability of the city centre to compete against other major cities.
- 5.3 On 16th March 2015, Cabinet approved the Local Growth Fund Transport and Connectivity Projects: Programme Definition Document which included the Snow Hill Public Realm project and the approval of development funding to progress the overall project. A Project Board was set up for the Snow Hill project to oversee the development and support the progression of the proposals. The board is a tri-partite arrangement between the City Council, Transport for West Midlands (TfWM), and Colmore Business Improvement District (Colmore BID).
- 5.4 Some of the projects were already defined (originally known as Tranche 1) and some of them were not (originally known as Tranche 2). The development work undertaken identified a programme of nine projects that would achieve the vision set out in the SHM. In March 2017 the Cabinet Member for Transport and Roads jointly with the Strategic Director of Economy approved the release of additional funding to conclude the development and outline design of the nine projects.
- 5.5 The project board has prioritised the programme into three phases for delivery. Phase 1 contains Project 1.1, Phase 2 contains Projects 2.1, 2.2, 2.3, and 2.4, and Phase 3 contains Projects 3.1, 3.2, 3.3, 3.4. The prioritisation criteria was based upon the local support for delivery, which projects would make the biggest impact in delivering the vision set out in the SHM, currently available funding, and deliverability taking into account land ownership issues yet to be resolved. Each of the nine projects can be delivered independently without affecting the others. The nine projects contained within the programme are listed below and shown on the plan attached as Appendix 2. The outline design proposals for each project are shown in Appendix 3.

### Phase 1

## Project 1.1 – Colmore Row East and Livery Street

### Phase 2

Project 2.1 – Cornwall Street

Project 2.2 – Edmund Street

Project 2.3 – Steelhouse Square

Project 2.4 – Station Square

### Phase 3

Project 3.1 – Newhall Street / Colmore Row Junction

Project 3.2 – Colmore Row West

Project 3.3 – Snow Hill Queensway

Project 3.4 – Newhall Street North

- 5.6 All of the projects above will be subject to a specific FBC approval to enable delivery. This report recommends that approval of individual projects contained within Phase 1 and Phase 2 of the Programme be delegated to the Cabinet Member for Transport and Roads, jointly with the Corporate Director, Economy. All approvals will be subject to the confirmation of funding from various providers and will be detailed in the individual FBCs.

#### 5.7 Procurement Strategy

The external design fees required at this stage will be provided through a previously approved contract award. The procurement of external fees outside of the current contractual arrangements will be in accordance with the Procurement Governance Arrangements. It is proposed to procure the works through the existing City Council's Highways and Infrastructure Works Framework Agreement under Lot 4. Details of the procurement strategy are contained in Appendix 6.

- 5.8 The progress of the Programme will be reported monthly to the Snow Hill Public Realm Project Board to monitor progress and spend against the planned programme and budget.

- 5.9 Subject to future approvals, it is anticipated that all development work will be complete by March 2019. It is expected that Phase 1 will commence on site in October 2018 and that the first project from Phase 2 will commence on site in April 2019.

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

- 6.1 Alternative options have been explored as part of the PDD provided as Appendix 1 to this report, with the preferred option enabling the programme to be confirmed and the projects to continue to Full Business Case.

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

- 7.1 To approve the three Phases of the Snow Hill Public Realm programme and confirm the approval processes to ensure effective and efficient implementation.
- 7.2 To release development funding to progress these proposed projects to Full Business Case stage.

**Signatures****Date**

Councillor Stewart Stacey Cabinet Member for Transport and Roads	.....	.....
 Councillor Majid Mahmood Cabinet Member for Commercialism, Commissioning and Contract Management	 .....	 .....
 Waheed Nazir Corporate Director, Economy	 .....	 .....

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

1. Local Growth Fund Transport and Connectivity Projects Project Definition Document – Report of the Deputy Chief Executive to Cabinet – 16<sup>th</sup> March 2015.
2. Snow Hill Public Realm Programme: Additional Development Costs – Report of Assistant Director of Transport and Connectivity to the Cabinet Member for Transport and Roads jointly with the Strategic Director of Economy – 24<sup>th</sup> March 2017.
3. Snow Hill Interchange Plan
4. Snow Hill Masterplan

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

1. Project Definition Document
2. Snow Hill Public Realm – Programme
3. Project Summary Document
4. Risk Management Schedule
5. Equality Analysis
6. Procurement Strategy

## **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 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 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 (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 The Council must, in the exercise of its functions, have due regard to the need to:
  - (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 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:
  - (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 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.
- 4 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:
  - (a) tackle prejudice, and
  - (b) promote understanding.
- 5 The relevant protected characteristics are:
  - (a) marriage & civil partnership
  - (b) age
  - (c) disability
  - (d) gender reassignment
  - (e) pregnancy and maternity
  - (f) race
  - (g) religion or belief
  - (h) sex
  - (i) sexual orientation