

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	STRATEGIC DIRECTOR FOR ECONOMY
Date of Decision:	20th September 2016
SUBJECT:	NATIONAL STANDARD BIKEABILITY SEPTEMBER 2016 TO MARCH 2020
Key Decision: Yes	Relevant Forward Plan Ref: 002336/2016
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	Councillor Stewart Stacey – Cabinet Member for Transport and Roads Councillor Majid Mahmood – Cabinet Member for Value for Money and Efficiency
Relevant O&S Chairman:	Councillor Zafar Iqbal – Economy, Skills and Transport Councillor Mohammed Aikhlaq – Corporate Resources and Governance
Wards affected:	All

1. Purpose of report:	
1.1	National Standard (Bikeability) is the Government's flagship cycle training programme, which is designed to give children the skills and confidence to ride their bikes safely on the public highway. The Department for Transport (DfT) has traditionally provided the Council with an annual revenue grant to fund Bikeability, with the service currently managed in-house and delivered by freelance cycle instructors. For the period September 2016 to March 2020 the DfT has moved away from this traditional arrangement and provided a three and a half year settlement of £1,184,613 for which grant acceptance was required by the 19 th August 2016.
1.2	In the context of the above deadline Cabinet are asked to note grant acceptance by the Strategic Director Finance and Legal and approve Bikeability expenditure of £42,026 in 2016/17; £373,496 in 2017/18; £383,575 in 2018/19; and £386,516 in 2019/20, noting that further funding may become available during this period.
1.3	Between September 2016 and March 2020 grant will fund a total of 37,742 Bikeability training places in the city. Whilst Bikeability is a 'business as usual activity' it fully aligns with the Council's Birmingham Connected Transport Strategy, Birmingham Cycle Revolution and the new Road Safety Strategy set to be approved this autumn. Additionally Bikeability supports the Future Council Programme in respect of creating a modern transport network and young active travel.

2. Decision(s) recommended:	
2.1	That Cabinet: Notes acceptance of £1,184,613 of Bikeability revenue grant from the Department for Transport by the Strategic Director Finance and Legal so as to meet grant acceptance deadlines.
2.2	Authorises the Assistant Director Transportation and Connectivity to place orders up to £1,184,613 with approved cycle instructors during 2016/17 and a managed service provider from April 2017 to deliver Bikeability in accordance with Standing Orders and the Council's Procurement Governance Arrangements.
2.3	Authorises the Strategic Director for Economy to make additional bids for Bikeability funding during the period September 2016 to March 2020 and delegates resultant grant acceptance to the Strategic Director Finance and Legal in the eventuality of additional resources becoming available.
2.4	Authorises the Acting City Solicitor to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

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3. Consultation	
3.1	<p><u>Internal</u></p> <p>Consultation has been undertaken with the Deputy Leader, Cabinet Member for Children, Families and Schools, Cabinet Member for Clean Streets, Recycling and Environment, Strategic Director Finance and Legal and Assistant Director Transportation and Connectivity who support the proposals contained within this report.</p>
3.2	<p>Officers from City Finance and Legal and Democratic Services have been involved in the preparation of this report.</p>
3.3	<p><u>External</u></p> <p>Engagement with schools is an ongoing activity in respect of Bikeability and the Council's broader road safety and sustainability agendas. Further engagement has taken place with the Department for Transport (DfT), cycle instructors and Transport for West Midlands (TfWM) in respect of delivery models from April 2017.</p>

4. Compliance Issues:	
4.1	<p><u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p>
4.1.1	<p>Bikeability fully aligns with the Council's Birmingham Connected transport strategy and will continue to encourage safe and active travel, with associated benefits of reducing road congestion, improving the environment and improving health and well-being. These objectives are embedded within the Council Business Plan and Budget 2016+ and support a number of cross Directorate projects identified in the Future Council Programme.</p>
4.2	<p><u>Financial Implications (Will decisions be carried out within existing finance and Resources?)</u></p>
4.2.1	<p>The Bikeability grant of £1,184,613 (revenue) is awarded to the Council under Section 31 of the Local Government Act 2003 for use between September 2016 and March 2020. Conditions of use are set out in the grant acceptance document. Annual expenditure will be £42,026 in 2016/17; £373,496 in 2017/18; £383,575 in 2018/19; and £386,516 in 2019/20.</p>
4.2.2	<p>The Council has committed a local contribution of £90,000 over the above period to support the delivery of Bikeability, which was a requirement set out by the DfT. This contribution consists of officer time, which is resourced from the Growth and Transportation revenue budget and established income generation targets for this service area.</p>
4.2.3	<p>There are no HR implications or ongoing revenue costs associated with this report other than those identified above.</p>
4.3	<p><u>Legal Implications</u></p>
4.3.1	<p>The arrangements set out in this report are in compliance with the powers of general competence as set out in Section 1 of the Localism Act 2011.</p>
4.4	<p><u>Public Sector Equality Duty (see separate guidance note)</u></p>
4.4.1	<p>An initial screening for an Equality Assessment (EA) has been undertaken and has concluded that a full EA is not required, with no adverse impacts on protected groups. The initial screening EA001396 is provided as Appendix A to this report.</p>

5. Relevant background/chronology of key events:

- 5.1 Launched in 2006 National Standard (Bikeability) is the Government's flagship cycle training programme, which has been designed to give children the skills and confidence to ride their bikes on the public highway network. The Council have delivered Bikeability in schools since 2007, with training managed in-house and provided by freelance instructors procured via single contractor negotiations.
- 5.2 Most cycle training in the city is provided through the Bikeability programme to a national standard set out by the DfT. The standards and training are graded from Level One to Level Three: Level One covers basic bike handling skills; Level Two includes on-road training and simple manoeuvring; and Level Three covers more complex scenarios on more highly trafficked routes. Further training is offered in the form of 'Bikeability Plus', which offers a series of additional modules to ensure both children and parents are given the necessary skills to make cycling a part of everyday life. This includes the ability to conduct led rides and properly maintain cycle equipment.
- 5.3 Through the Bikeability programme the Council is seeking to encourage greater levels of safe and sustainable travel as set out in the Birmingham Connected Transport Strategy. The programme also supports capital infrastructure investment being made by the Birmingham Cycle Revolution, forms part of the new Road Safety Strategy set to be adopted this autumn and also aligns with key work packages in the Future Council Programme to create a modern transport network and enhance young active travel.
- 5.4 Traditionally local authorities have been invited to bid to the DfT for Bikeability funding on an annual basis, with the bid driven by the estimated number of children to be trained during a given financial year. Further to agreeing the quantum of grant with the DfT, grant is claimed by the Council in arrears based upon the actual number of children trained rather than the original estimate.
- 5.5 For the period September 2016 to March 2020 the DfT has moved away from this annual process and sought informal bids from local authorities to cover a three and a half year timescale, with a total of £50m (revenue) available nationally. In the context of Birmingham Connected, Birmingham Cycle Revolution, the new Road Safety Strategy and the Future Council Programme an ambitious funding bid to the DfT was made for £2,692,955, which would enable up to 86,475 children to be trained.
- 5.6 Further to receiving informal bids totalling £63m nationally, the DfT has undertaken an exercise to align requests with available funding. As a result of this exercise the Council was offered £1,184,613 in August 2016, which would enable up to 37,742 children to be trained over the next three and half years. While this is significantly less than the request made it should be recognised that this is still a major increase in the current levels of training being offered, with historical training averaging 2000-3000 children per annum. It should also be noted that while training is offered to schools on a 'first come first served basis', funding is anticipated to be sufficient to allow for all requests for training to be accommodated. Schools are contacted directly to make them aware of the training available.
- 5.7 To comply with DfT requirements to accept this grant by the 19th August 2016 it has been necessary for the Strategic Director Finance and Legal to accept this grant in advance of this report, thus avoiding the possibility of funding being withdrawn. It should also be noted that the Council have committed a local contribution of £90,000 towards the delivery of Bikeability up to March 2020, which was a DfT requirement. This is a contribution 'in kind' formulated from officer time, which is resourced from the Growth and Transportation revenue budget and established income generation targets for this service area.
- 5.8 At present Bikeability is managed in-house by the Growth and Transportation service, with training provided to children by freelance cycle instructors awarded contracts under delegated authority by the Assistant Director Transportation and Connectivity. Further to an options appraisal undertaken during summer 2015 this method of delivery was identified as inefficient both in terms of management and administration. It was also identified as a major limitation on the numbers of children trained and a barrier to growing numbers in the context of the Council's cycling ambition. As such, a preferred option to carry out a procurement process for a Managed Service Provider was included in the Planned Procurement Activities report approved by Cabinet on the 22nd September 2015. Use of a new framework to be awarded by Transport for West Midlands on behalf of the Combined Authority is now the procurement route and the award of the forthcoming contract will be completed under delegated authority in December 2016.

5.9	In the above context and recognising Bikeability as a ‘business as usual’ activity for the Council, it is proposed that Cabinet approves expenditure of £1,184,613 between September 2016 and March 2020, with annual expenditure of £42,026 in 2016/17; £373,496 in 2017/18; £383,575 in 2018/19; and £386,516 in 2019/20. It is further proposed that the Assistant Director Transportation and Connectivity is authorised to place orders with cycle instructors during 2016/17 and a managed service provider from April 2017, subject to full compliance with Standing Orders and the Council’s Procurement Governance Arrangements.
5.10	Given that additional funding for Bikeability may become available at short notice from the DfT in the future, it is recommended that the Strategic Director for Economy is authorised is to make further bids during the period September 2016 to March 2020, with grant acceptance subsequently delegated to the Strategic Director Finance and Legal.
5.11	In the interests of improved customer service for all citizens, Bikeability is currently being evaluated as a customer journey within the Economy Directorate as part of Customer Service Excellence accreditation activities. It should also be noted that the Council is working with the DfT to evaluate the overall Bikeability product nationally so as to inform future improvements.
6. Evaluation of alternative option(s):	
6.1	Return grant resources and do not undertake Bikeability training. This option is not recommended as it is in direct conflict with the Council’s Birmingham Connected Transport Strategy, Birmingham Cycle Revolution, new Road Safety Strategy and key work packages within the Future Council Programme

7. Reasons for Decision(s):	
7.1	To note acceptance of £1,184,613 of Bikeability revenue grant from the Department for Transport by the Strategic Director Finance and Legal so as to meet grant acceptance deadlines.
7.2	To authorise the Assistant Director Transportation and Connectivity to place orders up to £1,184,613 with approved cycle instructors during 2016/17 and a managed service provider from April 2017 to deliver Bikeability in accordance with Standing Orders and the Council’s Procurement Governance Arrangements.
7.3	To authorise the Strategic Director for Economy to make additional bids for Bikeability funding during the period September 2016 to March 2020 and delegates resultant grant acceptance to the Strategic Director Finance and Legal in the eventuality of additional resources becoming available.
7.4	To authorise the Acting City Solicitor to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

Signatures	<u>Date</u>
Cllr Stewart Stacey – Cabinet Member for Transport and Roads
Cllr Majid Mahmood – Cabinet Member for Value for Money and Efficiency
Waheed Nazir Strategic Director for Economy

List of Background Documents used to compile this Report:

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| 1 | Council Business Plan and Budget 2016+ |
| 2 | Birmingham Connected Transport Strategy. |
| 3. | Grant offer and acceptance document. |

List of Appendices accompanying this Report (if any):

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| 1. | Equalities Assessment Initial Screening – Appendix A |
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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">(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