

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

Report to:	CABINET
Report of:	CORPORATE DIRECTOR, ECONOMY
Date of Decision:	31 <sup>st</sup> July 2018
SUBJECT:	UPDATED TRANSPORTATION AND HIGHWAYS FUNDING STRATEGY 2018/19 TO 2023/24 OPTION APPRAISAL
Key Decision:	Yes
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):	Councillor Waseem Zaffar – Cabinet Member for Transport and Environment Councillor Brett O'Reilly – Cabinet Member for Finance and Resources
Relevant O&S Chairman:	Councillor Liz Clements – Sustainability and Transport Councillor Sir Albert Bore – Resources
Wards affected:	ALL

### 1. Purpose of report:

- 1.1 To seek approval to the Option Appraisal (OA) updating the Transportation and Highways Funding Strategy for the period 2018/19 to 2023/24 at a total estimated cost of £237.757m. The OA reflects new resources, revised project costings and programmes, slippage and policy changes that have occurred since approval of the previous strategy in May 2017. Within this update, approval is sought to allocate new Integrated Transport Block capital funding available through the West Midlands Combined Authority devolved transport grant process (£5.160m in 2018/19) to support a range of projects and programmes that contribute towards key Council priorities set out in the West Midlands Strategic Transport Plan: Movement for Growth, Birmingham Development Plan and Birmingham Connected transport strategy; and to allow the Council to fulfil its obligations towards Clean Air and as Host City for the 2022 Commonwealth games. A separate Commonwealth Games Transport Infrastructure Deliverables Cabinet report is currently being formulated and will cover the funding and delivery of infrastructure for the games. The report, to be submitted in Autumn 2018, will reference its links with the Transport and Highways Funding Strategy and dependencies between the two reports. It is likely that the CWG report will set out that further expenditure will be required in future years to deliver the games which will require separate governance approvals.
- 1.2 To seek approval to release development funding of £2.064m Integrated Transport Block (ITB) and Parking Resources to progress individual projects to Options Appraisal or Full Business Case stage in accordance with the Council's Gateway and Related Financial Approval Framework and to the delegations proposed within this report to expedite project delivery and enable a rapid response to be made to emerging grant funding opportunities.
- 1.3 To seek retrospective approval to bid for and accept supplementary funding of up to £5.0m from the Transforming Cities Fund and £2.66m from High Speed 2 Road Safety Fund from the Department for Transport. To seek approval to deliver these schemes subject to the delegations set out in this report.

### 2. Decision(s) recommended:

That Cabinet:

- 2.1 Approves the Option Appraisal (OA) provided as Appendix A (including annexes A to F setting out major schemes, programme governance and prioritisation criteria) to this report to update the Transportation and Highways Funding Strategy authorised by Cabinet in May 2017 at a total estimated cost of £237.757m.

- 2.2 Approves an allocation of £5.160m in 2018/19 of new Integrated Transport Block (ITB) funding provided through the devolved transport grant process and notes that allocations from 2018/19 have now become a West Midlands Combined Authority Mayoral budget responsibility.
- 2.3 Approves the release of development funding of £2.064m (ITB and PR) to progress individual projects to Options Appraisal (OA) and Full Business Case (FBC) stage in accordance with the Council's Gateway and Related Financial Approval Framework (GRFAF) pursuant to the delegations set out in recommendations 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9.
- 2.4 Notes: that prudential borrowing agreed in previous reports will be formally committed at project Full Business Case stage in accordance with the Council's GRFAF, with new resources and windfalls used to offset the requirement for borrowing wherever possible; the funding strategy as set out in the Dudley Road Cabinet report, agreed on 26 June 2018, includes potential funding from the Housing Infrastructure Fund (HIF) which could reduce the need for prudential borrowing should the bid be successful and that a strategy for funding Tame Valley Viaduct capital works is in the process of being determined.
- 2.5 Delegates approval of all Options Appraisals, Full Business Cases (FBCs) and related reports including revised financial appraisals for named projects and programmes detailed in Appendix A (Annex F) of this report to the Corporate Director, Economy, in conjunction with the Corporate Director, Finance and Governance up to a maximum value of £2.0m.
- 2.6 Delegates approval of all Options Appraisals and Full Business Cases (FBCs) for named projects and programmes detailed in Appendix A (Annex F) of this report to the relevant portfolio holders, jointly with the Corporate Director, Economy, in conjunction with the Corporate Director, Finance and Governance, up to a maximum value of £10.0m.
- 2.7 Delegates authority to bid for and accept external capital and revenue resources in line with Council priorities and consistent with the policies and objectives of the West Midlands Strategic Transport Plan, Birmingham Development Plan and Birmingham Connected transport strategy to the Corporate Director, Economy, in conjunction with the Corporate Director, Finance and Governance, up to a maximum value of £2.0m
- 2.8 Delegates authority to bid for and accept external capital and revenue resources in line with Council priorities and consistent with the policies and objectives of the West Midlands Strategic Transport Plan, Birmingham Development Plan and Birmingham Connected transport strategy to the relevant portfolio holders, jointly with the Corporate Director, Economy, in conjunction with the Corporate Director, Finance, up to a maximum value of £10.0m.
- 2.9 Approves retrospective approval to bid for and acceptance of supplementary funding of up to £5.0m from the Transforming Cities Fund and £2.66m from High Speed 2 Road Safety Fund from the Department for Transport as respectively set out in 5.6 and 5.7 of this report. Approves delivery of these schemes subject to Options Appraisals and Full Business Cases (FBCs) and the delegations set out in this report.
- 2.10 Notes that budgets for major transportation and highways schemes will be updated via the financial monitoring processes to reflect the above recommendations and resourcing set out in Appendix A (sub Annex F).
- 2.11 Authorises the City Solicitor to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

**Lead Contact Officer(s):** Phil Edwards – Assistant Director Transportation and Connectivity  
**Telephone No:** 0121 303 7409  
**E-mail address:** [Philip.edwards@birmingham.gov.uk](mailto:Philip.edwards@birmingham.gov.uk)

### **3. Consultation**

#### Internal

- 3.1 Consultation has been undertaken with the Assistant Director Highways and Infrastructure, Assistant Director Planning, Assistant Director Development and the Assistant Director Transportation and Connectivity, who support the proposals contained within this report.
- 3.2 Officers from City Finance, Procurement, Legal and Democratic Services have been involved in the preparation of this report.

#### External

- 3.3 Full external consultation will be undertaken as part of individual PDDs and FBCs in accordance with normal practise including residents, emergency services, businesses, West Midlands Combined Authority/Transport for West Midlands and the Cycling Forum. Consultation will also be undertaken with Sutton Town Council and Frankley Parish Council where appropriate.
- 3.4 Consultation has been undertaken with the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) in respect of Local Growth Fund (LGF) resources.

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

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

- 4.1.1 The Transportation and Highways Funding Strategy (THFS) performs an essential role in supporting a range of projects and programmes that contribute towards achieving the Council's key policies and priorities as set out in the Council Plan and Budget 2018+, West Midlands Strategic Transport Plan, Birmingham Development Plan, Birmingham Connected transport strategy, Clean Air and Commonwealth Games agendas. A separate Commonwealth Games Transport Infrastructure Cabinet report is currently being formulated and will cover the delivery of infrastructure for the games. That report will reference its links with the Transport and Highways Funding Strategy and dependencies between the two strategies.
- 4.1.2 In the context of inclusive economic growth, the THFS has a strong focus on supporting the Council's core mission to be a city of growth where every child, citizen and place matters. In addition, the programme seeks to make a significant contribution towards the key priorities of children, jobs and skills, housing and health by reducing congestion, enabling growth, improving road safety, improving accessibility, improving air quality and encouraging active and sustainable modes of travel.

#### 4.2. Financial Implications (Will decisions be carried out within existing finance and Resources?)

- 4.2.1 ITB capital funding of £17.618m is to be provided to the West Midlands Combined Authority (WMCA) for 2018/19 as part of a multi-year transport funding settlement agreed as part of the West Midlands Devolution Deal. The Mayoral WMCA is responsible for acceptance and adherence to conditions associated with this settlement and for reallocating ITB funding to Metropolitan District Councils and Transport for West Midlands. The Council will receive £5.160m of ITB in 2018/19
- 4.2.2 ITB funding is significantly supplemented by bidding activities to Government and GBSLEP for funding including Local Growth Fund (LGF), Cycle City Ambition Grant (CCAG), Air Quality Grant, National Productivity Investment Fund (NPIF), Enterprise Zone (EZ), Transforming Cities Fund, and HS2 Road Safety Fund. The total estimated capital cost of all projects and programmes utilising these resources over the 6 year period covered is £237.757m. This includes local contributions of £56.171m and a funding pressure of £13,143 regarding Tame Valley Viaduct for which a strategy is being developed.

4.2.3 Detailed financial information is provided in Appendix A to this report including a funding strategy to enable the Council to meet opportunities, costs pressures and local funding contribution commitments relating to Department for Transport, Network Rail and GBSLEP programmes. It should be noted that budgets will be approved and updated through the relevant financial monitoring and governance processes.

4.2.4 New capital transport projects by nature attract additional ongoing costs in respect of maintaining new highway assets. All projects and schemes will need to identify revenue maintenance commitments and funding as part of the PDD and FBCs governance processes. For projects approved during 2018/19 an approved annual corporate policy contingency allocation of up to £0.250m is in place to accommodate inventory growth.

#### 4.3 Legal Implications

4.3.1 The relevant primary legislation required to implement individual projects contained within the THCFs comprises the Highways Act 1980; Road Traffic Regulation Act 1984; Road Traffic Act 1988; Transport Act 2000; Traffic Management Act 2004; Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004. The Bus Lanes Contraventions Regulations 2005 are also relevant to this report.

4.3.2 Section 111 of the Local Government Act 1972 empowers local authorities to do anything (whether not involving the borrowing, expenditure or lending of money or the acquisition or disposal of any of its property) which, is calculated to, or is conducive or incidental to the discharge of any of their functions.

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

4.4.1 An initial screening for an Equality Assessment (EA) has been undertaken for the THFS and has concluded that a full EA is not required at this time, with no adverse impacts on protected groups. This position will be reviewed for each composite project and/or programme at OA and FBC stage as necessary. The initial screening is provided as Appendix C to this report.

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

5.1 The Transportation and Highways Funding Strategy (THFS) performs an essential role in supporting a range of projects and programmes that contribute towards achieving the Council's key policies and priorities, as set out in the West Midlands Strategic Transport Plan, Birmingham Development Plan and the Birmingham Connected transport strategy.

5.2 The THFS was previously updated and approved by Cabinet on 16th May 2017 for a rolling 6 year period up to 2022/23. This report reflects new resources, priorities, opportunities, revised project costings and programmes, slippage and policy changes that have occurred since this time. Such changes include:

- Support for the delivery of the Birmingham 2022 Commonwealth Games Transport Strategy, following the announcement of Birmingham as the Host City, with new and accelerated infrastructure schemes being a key part of the post games legacy;
- More clarification on the requirement for the Council to develop measures to meet European Air Quality Targets linked to compliance with the provisions of the Ambient Air Quality and Cleaner Air for Europe Directive 2008 and the Transport Act 2000, through the proposed implementation of a Clean Air Zone (CAZ), which sets limiting values for a range of pollutants to protect public health.
- Programme alignment opportunities with Network Rail and Highways England.

- 5.3 As part of the West Midlands Devolution Deal, HM Government agreed to devolve a consolidated local transport budget and provide a multi-year transport funding settlement, which has come under the West Midlands Combined Authority (WMCA) Mayor from 2018/19. Devolved grant resources comprising Integrated Transport Block (ITB), Highways Maintenance Block, Highways Maintenance Incentive Funding and Bus Services Operating Grant (BSOG) have been confirmed until 2020/21, with annual allocations (£33.919m in 2018/19) to be paid to the WMCA as the relevant 'accountable body'.
- 5.4 Funding for highway maintenance is 'passported' directly to Councils, with the exception of Birmingham, whose allocation is deemed to be included within funding arrangements for the Highways Maintenance and Management Private Finance Initiative (PFI). BSOG will be paid directly to Transport for West Midlands as revenue funding for tendered bus services.
- 5.5 The WMCA have allocated ITB funding to Birmingham and the other Metropolitan District Councils to be used for 'small transport improvement projects' on a per capita basis. This is in accord with the intention of Government that funding is used by transport authorities to help stimulate local economies by reducing congestion, improving road safety, improving accessibility and supporting the use of active and sustainable modes of travel. A total of £5.160m of new ITB capital funding has been allocated to Birmingham for integrated transport projects in 2018/19.
- 5.6 This report approves a retrospective bid for and acceptance of supplementary funding of up to £5.0m from the Transforming Cities Fund which was allocated to WMCA in the 2017 Autumn Statement and confirmed on 12<sup>th</sup> March 2018, with prioritisation to be agreed by WMCA Board. This funding will deliver Birmingham City Centre Retail Core public realm improvements. This initial funding will deliver the first phase of a wider project which will include improvements to New Street/High Street/Victoria Square and surrounding areas. It will also enable design and costing of the wider scheme to allow the full funding requirement to be secured.
- 5.7 It also approves a retrospective bid and acceptance of £2.66m from the High Speed 2 Road Safety Fund from the Department for Transport which was allocated on 23<sup>rd</sup> November 2018. This funding is to be used to mitigate the impact of High Speed 2 construction traffic on the safety of Birmingham's highway network.
- 5.8 Further supplementary funding of £1.3m was also awarded to the Council from the DfT Cycle Safety Fund for improvements at the Pershore Road/Priory Road junction. Acceptance of this funding was subject to a separate cabinet member/corporate director report regarding Department for Transport cycle safety funding – approval to submit application in March 2018.
- 5.9 From 2018/19 further supplementary funds of £2.7m have been sourced to support adherence to air quality regulations. Acceptance of this funding is subject to a separate cabinet member/corporate director report regarding Joint Air Quality Unit Early Measures Fund for Local NO2 compliance/Applications for Funding dated 2<sup>nd</sup> July 2018.

- 5.10 The structure of the THFS comprises the following programmes as described in Appendix A: Major Schemes; Inclusive and Sustainable Growth; Walking and Cycling; Road Safety; Safer Routes to Schools; Ward Minor Transport Measures; Grass Verge Protection Pilot; and Infrastructure Development. A summary of ITB allocations is provided below.

ITB Programme Allocations	Confirmed	Provisional			Forecast	
	2018/19 £000's	2019/20 £000's	2020/21 £000's	2021/22 £000's	2022/23 £000's	2023/24 £000's
Major Schemes	841	1,191	651	869	0	0
Inclusive and Sustainable Growth	579	90	75	875	1,575	1,575
Walking and Cycling	1,486	1,780	2,520	1,458	1,000	1,000
Road Safety	525	525	525	525	525	525
Safer Routes to Schools	300	300	300	300	300	300
Ward Minor Measures	500	500	500	500	500	500
Grass Verge Protection Pilot	252	252	0	0	0	0
Infrastructure Development	677	522	589	633	1,260	1,260
<b>Total</b>	<b>5,160</b>	<b>5,160</b>	<b>5,160</b>	<b>5,160</b>	<b>5,160</b>	<b>5,160</b>

- 5.11 The above allocations have been determined on the basis of previously agreed commitments, particularly in relation to the Major Schemes, Inclusive and Sustainable Growth and Walking and Cycling programmes. Other allocations reflect rolling programmes in respect of Road Safety and Safer Routes to Schools, albeit with increased resources for local safety schemes in response to an increase in locations citywide meeting the intervention criteria set out in the Council's Road Safety Strategy.
- 5.12 As set out in paragraph 5.2, the process of updating the THFS provides an opportunity to reflect new resources, priorities, opportunities, revised project costings and programmes, slippage and policy changes. In this context it is proposed to continue the three year pilot programme (currently proposed to end in 19/20) to prevent damage to grass verges following work by the Economy, Skills and Transport Overview and Scrutiny Committee. This programme is providing £1.0m of ITB funding to introduce prevention, regulation and accommodation measures over three financial years, with specific projects to be determined by Ward Councillors and implemented by the Local Engineering service. Further guidance for this programme is provided in Appendix A (Annex C).
- 5.13 In the development of the 2017/18 THFS a number of funding pressures were identified and a strategy formulated to allow these projects to be funded over a number of years using a mixture of prudential borrowing and direct allocation of net bus lane enforcement surplus. The 2018/19 THFS continues to support this strategy and work is ongoing to minimise the amount of prudential borrowing which is eventually required through the wider ongoing management of the THFS and the offsetting of borrowing with new or windfall resources as they become available. For example, during 2017/18 the prudential borrowing of £0.5m for Longbridge Connectivity Highways Improvements has been removed through in-project savings. Further information on prudential borrowing is provided as Appendix B to this report.
- 5.14 In addition to the projects discussed above, the Council also has two major projects within its LGF programme which comprise critical strengthening works to the A38 (M) Tame Valley Viaduct and major transportation improvements to the A457 Dudley Road. Final approval of these projects is retained by the Department for Transport (DfT), with approval based upon the submission of green book compliant major scheme business cases. Submissions are expected in 2019/20. On the basis of estimates for the 2017/18 THFS the local contribution required for these schemes totalled £20.566m (£13.522m Tame Valley Viaduct and £7.044m Dudley Road) and was within the range expected by the DfT for major schemes (between 10% and 20% of overall project costs). The contributions will be required in 2021/22 and 2022/23 to lever a total of £94.450m from the LGF Growth Deal One programme.
- 5.15 Since the 2017/18 THFS, work has been on-going to resource these local contributions. The funding strategy as set out in the Dudley Road Cabinet report, agreed on 26 June 2018, includes prudential borrowing of £7.044m funded from Bus Lane Enforcement Surplus. There is also potential funding from the Housing Infrastructure Fund (HIF) which could reduce the need for prudential borrowing. A strategy for the funding gap for the Tame Valley Viaduct is in the process

of being determined with a current funding gap of £13.143m in 22/23 and 23/24.

- 5.16 In the context of emerging future operating models, there is clear rationale to streamline project development and delivery processes associated with the THFS to maximise delivery, enhance the Council's reputation, minimise costs and offset reduced officer resources in relevant departments. In addition, there is a need to respond more expediently to external funding opportunities that become available (Air Quality and Transforming Cities Fund/Commonwealth Games/Housing Infrastructure Fund as examples in this report), often at short notice, and enable more effective budget and resource management within the confines of an agreed 6 year investment programme. To this end the delegations in recommendations 2.4, 2.5, 2.6, 2.7, 2.8, and 2.9 of this report are being sought.

5.17 **Bidding and Grant Acceptance:**

Delegation to the Corporate Director, Economy, in conjunction with the Corporate Director, Finance and Governance, to bid for and accept capital and revenue grant resources up to £2.0m; and the relevant portfolio holders jointly with the Corporate Director, Economy, in conjunction with the Corporate Director, Finance and Governance to bid for and accept capital and revenue grant resources up to £10.0m for projects that align with the approved policies and objectives of the Council.

5.18 **Project Approvals:**

Delegation to the Corporate Director, Economy in conjunction with the Corporate Director, Finance and Governance to approve PDDs and FBCs up to the value of £2.0m; and the relevant portfolio holders jointly with the Corporate Director, Economy, up to £10.0m for projects and programmes included within Appendix A (Annex F) of this report.

5.19 **Procurement:**

There are no direct procurement implications contained within this report, however, it should be noted that schemes will be delivered by the Council and works will be procured through approved frameworks or competitive tenders utilising either in house resources or partner's procurement arrangements, in accordance with Standing Orders and the Procurement Governance Arrangements. Procurement implications will be reported in individual OA and FBC reports as per normal practise, with value for money and compliance with the Birmingham Business Charter for Social Responsibility clearly set out.

5.20 **Key Risks:**

Key risks are outlined in Appendix A (annex E). It should be noted that a significant shortage of consultant and contractor resource in the marketplace could impact upon programme delivery and further increase project costs. Such risks will be managed by senior Transportation and Highways officers in conjunction with the relevant portfolio holders.

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

- 6.1 Alternative options have been explored as part of the OA provided as Appendix A to this report, with the proposed option selected on the basis of best achieving the Council's key policies and priorities, whilst maximising delivery and minimising risks.

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

- 7.1 To approve the Council's Transportation and Highways Funding Strategy for the period 2018/19 to 2023/24 to best achieve the Council's key policies and priorities, whilst facilitating streamlined and expeditious delivery.

**Signatures****Date**

Cllr Waseem Zaffar – Cabinet Member for  
Transport and Environment .....

Cllr Brett O'Reilly – Cabinet Member for  
Finance and Resources .....

Waheed Nazir  
Corporate Director, Economy .....

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

- 1 Council Plan and Budget 2018+
- 2 West Midlands Strategic Transport Plan
- 3 Birmingham Connected Transport Strategy
- 4 Birmingham Development Plan
- 5 Greater Birmingham and Solihull LEP Strategic Economic Plan
- 6 West Midlands Devolution Deal
- 7 Devolved Transport Grant - WMCA Board Report 20 January 2017
- 8 Updated Transportation and Highways Capital Funding Strategy (2017/18 to 2022/23)  
Programme Definition Document – Report of the Strategic Director for Economy to Cabinet – 16<sup>th</sup>  
May 2017

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

1. Options Appraisal – Appendix A (including annexes A to F)
2. Usage and Forecasts of Net Surplus Bus Lane Enforcement Income – Appendix B
3. Equalities Assessment Initial Screening – Appendix C

**Report Version**      **Draft**      **Dated**      **31st July 2018**



## **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 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