

Appendix K: Birmingham City Council Cabinet Report



**BIRMINGHAM
CYCLE REVOLUTION**



BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	STRATEGIC DIRECTOR – DEVELOPMENT AND CULTURE
Date of Decision:	22nd APRIL 2013
SUBJECT:	CYCLE CITY AMBITION GRANT – BID SUBMISSION (PROJECT DEFINITION DOCUMENT)
Key Decision: Yes	Relevant Forward Plan Ref: 475673/2013
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 Tahir Ali – Development Jobs and Skills Councillor James McKay – Green, Safe and Smart City Councillor Steve Bedser – Health & Wellbeing
Relevant O&S Chairman:	Councillor Victoria Quinn – Transport, Connectivity and Sustainability
Wards affected:	City-wide

1. Purpose of report:
<p>1.1 This report seeks support and endorsement for the submission of the ‘Birmingham Cycle Revolution’ capital bid to the Department for Transport (DfT) for the Cycle City Ambition Grant (CCAG). The bid will support the development of around 115km of new and 95km of upgraded routes on main corridors, quieter ‘parallel’ roads, green routes and the canal network, to create a significantly improved network for cyclists. This package will be supported by wider enabling measures such as cycle parking, bike hubs, and ‘smarter choice’ activities including marketing / promotional initiatives, mapping, education and training. The package is focused on the city centre and extends to all parts of the city within approximately 20 minutes cycling time of the ring road. The bid will act as a catalyst to encourage more cycling across the city, with its associated benefits in terms of reducing the adverse impacts of road congestion, improving health, and addressing social inclusion through improvements to low-cost transport options.</p> <p>1.2 The Project Definition Document (PDD) at Appendix A provides further details for the submission of a capital bid to the Department for Transport (DfT) for £17.0m of CCAG capital resources, to be matched by a local eligible contribution of £5.9m from the City Council’s Local Transport Plan Integrated Transport Block (ITB) Capital Allocation and the City Council’s Revenue Budget, as part of an overall package of measures totalling £22.9m to be delivered by March 2016. A further £0.05m of advance costs incurred in developing the bid are not eligible for the match process.</p> <p>1.3 The report seeks approval to release up to £0.945m of fees to progress individual schemes to Full Business Case (FBC), subject to DfT’s approval to the bid.</p>

2. Decision(s) recommended:
<p>That Cabinet:</p> <p>2.1 Authorises the submission of the ‘Birmingham Cycle Revolution’ capital bid to the Department for Transport (DfT) for the Cycle City Ambition Grant and approves the Project Definition Document included as Appendix A of this report to enable the capital bid submission of £17.0m to be made by 30th April 2013;</p> <p>2.3 Subject to DfT approval to the bid, approves the release of up to £0.945m of development funding and programme management fees for the Strategic Director for Development and Culture to progress individual projects within the bid to Full Business Case stage, in accordance with the corporate Gateway process for projects and programmes; and</p> <p>2.4 Authorises the Director of Legal and Democratic Services to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.</p>

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3. Consultation

3.1 Internal

- 3.1.1 All Cabinet Members and Chief Officers have been consulted on the draft report and comments incorporated where applicable. Ward councillors have also been briefed on the principles of the bid through Member drop-in sessions.
- 3.1.2 The development of scheme proposals has been undertaken by relevant officers from Development Strategy, Highways, Parks, Sports & Events, Sports & Physical Activity and Public Health. Detailed consultations will be undertaken, subject to DfT's approval of the bid, as part of the preparation of the FBCs for each individual project.
- 3.1.3 In accordance with the Projects and Programmes methodology the corporate Quality Assurance and Governance Team have appraised the project and recommended it for approval.

3.2 External

- 3.2.2 External consultations have been carried out to inform the development of the bid, these have focused on wider public and stakeholder consultation on the principles of the bid and gathering support for the submission. More detailed consultations on the bid proposals have been carried out through the Birmingham Cycle Forum and Pedestrian & Cycling Task Force, which includes a range of cyclist and pedestrian representative groups, and with the Canal and River Trust (CRT) in relation to works affecting the canal network. Further consultation will be carried out as part of the development of the FBCs for individual projects, subject to approval of the bid.

4. Compliance Issues:

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

- 4.4.1 The 'Birmingham Cycling Revolution' bid seeks to promote sustainable travel options by increasing the attractiveness of cycling, which will contribute towards improving health and the environment, reducing car usage, and improving connectivity for households without a car. Many of the measures will also benefit pedestrians, public transport users and road safety. The bid supports the Council Business Plan and Budget 2013+; the proposals will contribute towards the Leader's policy theme of 'a prosperous sustainable city built on an inclusive economy' and the developing 'Birmingham Urban Mobility Plan' as well as contributing towards a 'Green, Safe and Smart' city and the 'Be Healthy' objective to enable people to choose healthier lifestyles. The bid also supports the recommendations of the Transport, Connectivity & Sustainability Overview and Scrutiny Committee (TCS O&S) report, 'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham'.
- 4.4.2 The projects also support the targets set out in the West Midlands Local Transport Plan 2011-26 (LTP3) in terms of annual traffic growth limitation, increase of active travel, reduction of CO2 emissions from transport, and air quality improvements.

4.2 Financial Implications

- 4.2.1 The total estimated capital cost of the programme is £22.9m, with £17.0m sought from the DfT's Cycle City Ambition Grant funding, and local contributions of £5.705m from Council projects / programmes which have been identified and are funded entirely from existing resources available to the Council and / or already committed schemes / programmes, and £0.195m contribution in staff time from Canal and River Trust. The developing Transportation and Highways Capital Programme 2013-14 to 2015-16 has proposed sufficient match funding from the LTP ITB allocation to enable the match shown above to be achieved.
- 4.2.2 DfT Cycle City Ambition Grant funding will be available in 2013/14 and 2014/15 only, with the local contribution over three years from 2013-16. It is expected that the DfT will confirm their funding decision by end of June 2013 and that the award will be in the form of a Section 31 Grant with any cost overruns falling on the City Council to meet.
- 4.2.3 Revenue implications relating to additional highway assets and consequential maintenance costs are estimated to be ultimately up to £50,000 per annum, which can be met from the Highways Maintenance Revenue Budget. This cost is based on an initial estimate of scheme proposals where the scheme is located within the highway and will be reviewed through the development of individual FBC's and offset against decluttering.
- 4.2.4 Revenue consequences on routes within parks relating to ground maintenance consequence are estimated at approximately £10,000, these will be contained within existing Parks budgets where possible, but should this not be achievable then a bid for additional corporate resources will be required. Maintenance of assets on the canals will become the responsibility of CRT and will not

be a liability for the City Council. A letter of support has been provided by CRT on this basis.

4.2.5 Subject to the approval of the bid, the report seeks approval of fees of £0.945m (£0.772m of development costs to FBC and £0.173m of programme management fees for 2013/14), which will be met through the local contribution from the ITB allocation.

4.2.6 Further detailed information regarding the financial implications of this scheme is contained in the PDD which is attached as Appendix A to this report. Subject to approval of recommendations and award of grant by the DfT, further detailed work will be undertaken to finalise options and financial implications for individual scheme elements on the selected corridors. Individual scheme progress will be subject to approval under the Council's Gateway Procedures.

4.3 Legal Implications

4.3.1 Relevant powers to implement the highways projects contained in the CCAG bid include: 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. Legal powers to undertake the pathworks over public open space fall under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976. Public Rights of Way in the form of Restricted Byways are created under Section 25 and 26 of the Highways Act 1980, as amended by the Countryside and Rights of Way Act 2000.

4.3.2 The Canal and River Trust have powers and obligations under the Transport Acts of 1962 and 1968 to maintain the canal network and ensure public access to the towpaths.

4.3.3 Partnership working with CRT will be governed through appropriate agreements (see Para 5.7), this will include: funding; scope of works, design; inspection regimes, maintenance liabilities and on-going provision of the improved facilities. Additional agreements may be required with other third parties as required, particularly with regard to access, inspection and maintenance liabilities. These issues will need to be identified at the detailed stage of each element of the programme of projects being proposed.

4.4 Public Sector Equality Duty

4.4.1 An initial Equality Assessment has been carried out for this bid and concluded that a full EA is not required at this time, with no adverse effects on protected groups (see Appendix B). Further assessments will be carried out on each individual project as part of the development of the FBC.

5. Relevant background/chronology of key events:

5.1 On 30th January 2013, the Parliamentary Under-Secretary for Transport, Norman Baker MP, announced £62 million of investment in cycling, of which £30million was available through Cycle City Ambition Grants. The areas eligible to apply for this grant are cities that have taken part in Wave 1 and Wave 2 of the City Deal process. The grant aims to facilitate the development and implementation of infrastructure to comprehensively improve conditions for cycling. Successful applicants can expect to receive up to approximately £10 per head of population for two years (2013-15), therefore funding of up to £20million is potentially available for any Birmingham proposal, subject to appropriate match funding. Bids have to be submitted by 30th April 2013, with all DfT funding spent by 31st March 2015, but the local contribution of at least 30% can be delivered across three years to March 2016.

5.2 Guidance on Applications was issued on the 15th February 2013 by the DfT, followed by a workshop 8th March where further details were provided. Such timescales represent a significant challenge in terms of necessary technical and appraisal development work, and preparation and submission of the bid documentation.

5.3 Based on the content of the guidance, the recommendation of the 'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham' TCS O&S Report, the locations of complementary cycling schemes under Local Sustainable Transport Fund, the desire to support regeneration and Enterprise Zones, and discussions with the Cabinet Members for: Development, Jobs & Skills; Green, Safe & Smart City; and Health & Wellbeing, it was decided to develop a bid to the DfT which focused on the greater City Centre with a surrounding cycle commuter catchment area of 20 minutes cycling time from the ring road to optimise potential modal shift.

5.4 The proposed Cycle City Ambition Grant bid will support an ambitious 'Birmingham Cycle Revolution' 20-year plan to support cyclists across our city and make cycling an integral part of our transport network. The bid forms the first stage in delivering a step-change in levels of cycling and builds on key cycling projects such as Bike North Birmingham and the LSTF 'Smart Network, Smarter Choices' project. The bid focuses on investment in cycling infrastructure and facilities,

building on our existing cycle network, making the best use of our canal network and green corridors, and developing a comprehensive on-road network offering significantly improved cycling conditions. Alongside our wider Smarter Choices initiatives, such as TravelWise, Top Cycle Location, Women on Wheels and Be Active, this will: improve the overall cycling experience; increase participation; improve access to employment and training; improve health and activity; and decrease car dependency.

5.5 The bid proposal has seven key elements as outlined below. The bid area and principal infrastructure measures are also shown in Appendix A and on Drawing No. CCAG_005.

- Main Corridors – measures along eight of the main arterial routes into the city centre, which will generally be suitable for more experienced / confident commuter cyclists;
- Parallel Routes – a network of generally quieter routes running parallel to the main corridors, but also linking to local schools, health centres, parks and other community facilities, and suitable for less experienced cyclists and family trips as well as commuters;
- City Centre – a series of mostly minor measures, including some contraflow cycle facilities, to improve routes into and through the city core;
- Green Routes – improvements and extensions to the existing network of ‘off-road’ routes such as Rea Valley, Cole Valley and Tame Valley particularly suitable for family and leisure cycling, and so supporting the tourism economy, but also available for commuter cyclists;
- Canal Towpaths – extensive improvements to towpaths to provide a sealed surface more suitable for all-weather cycling, suitable for leisure and commuter cyclists;
- Supporting Measures – items such as cycle hire, parking and hubs, wayfinding, a significant extension of 20mph areas, and bike loans to encourage and assist more people to cycle and stimulate local cycling manufacture; and
- Smarter Choices – supporting package of revenue-funded promotional, mapping, marketing, educational and training measures to promote cycling to local residents and businesses.

5.6 The total value of the grant bid to DfT is £17.0m. The bid has been designed to be scalable, so some measures can still go ahead if DfT decide to fund some but not the entire programme. The bid also requires the Council to demonstrate evidence of local match-funding of at least 30% towards the overall project. Projects and programmes totalling £5.9m have been identified, which are funded entirely from existing resources available to the Council and/or already committed schemes and programmes. This is made up of £4.91m capital and £0.99m revenue. The capital element comprises:

- Transportation and Highways Capital Programme – Walking, Cycling & Accessibility Programme allocations 2013/14 to 2015/16 at £2.950m for cycling infrastructure to be utilised as match funding for new grant;
- £0.135m to provide Cycle Hire and Cycle Parking;
- Wider Transportation and Highways Capital Programme measures including Safer Routes to School, 20mph areas, and Perry Barr Subway Infilling at £1.455m;
- Section 106 Agreement funding of £0.225m and a staffing contribution from Canal and River Trust of £0.195m.

5.7 Revenue match funding of £0.99m includes activities funded through existing staff resources with the Smarter Choices Team, and through Be Active programme for on-going costs of the Big Birmingham Bike project.

5.8 The delivery of the proposals has been programmed across the three years to reflect funding availability. The majority of infrastructure works will be procured through a series of Framework Contracts and / or spot-tenders as required. Certain specialist elements, such as cycle storage and bicycles, will be procured under individual contracts in line with the procedure for quotations as set out in Sections 3.1 and 3.2 of Standing Orders relating to Contracts, with all services or products to be procured being advertised on ‘finditbirmingham.com’ for the required period. Engagement options for Canal and River Trust (CRT) to deliver improvements to canal towpaths have been discussed with Legal Services’ Procurement Team, with the Third Sector Grant Funding Framework & Toolkit 2011 or Single Contractor Negotiations being identified as suitable routes to secure CRT. Works on the canal network will be procured by the CRT using their own framework arrangements, which are in accordance with relevant procurement rules.

6. Evaluation of alternative option(s):	
6.1	Alternative options for each project have been explored as part of the development of the bid (see Section 2 of the appended PDD). The preferred options have been selected on the basis of maximising achievable benefits for cyclists to meet the DfT's objectives and maximise the likelihood that the bid will be successful, and providing additional benefits for pedestrians, buses and road safety where possible. Options have also been selected which reflect the timescales and level of funding within the CCAG programme, and which seek to minimise detrimental effects on traffic congestion (particularly for buses) and parking where possible. Alternative options for individual projects will be evaluated and consulted on as part of the development of the FBCs.
6.2	There would be an option of not submitting any bid to the DfT under the CCAG, but this would mean that there would be no possibility of receiving any capital funding through the programme and the significant cycling and wider benefits could not be realised.

7. Reasons for Decision(s):	
7.1	Approval of this report will allow the CCAG bid to be submitted and, subject to the bid being successful, allow the release of £0.945m of development funding and programme management fees to progress the individual projects to FBC. This will allow the development of an improved network of cycle facilities across the city.

Signatures	<u>Date</u>
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Mark Barrow, Strategic Director of Development and Culture	
.....
Councillor Tahir Ali, Cabinet Member for Development Jobs and Skills	
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Councillor James Mckay, Cabinet Member for Green, Safe & SMART City	
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Councillor Steve Bedser, Cabinet Member for Health & Wellbeing	

List of Background Documents used to compile this Report:	
<ul style="list-style-type: none"> ▪ Leader's Policy Statement, June 2012; ▪ Council Business Plan and Budget 2013+, February 2013 ▪ 2011-2026 West Midlands Local Transport Plan; ▪ Bike Birmingham: A Sustainable City's Cycling Strategy 2011-2015; ▪ Programme Definition Document: Transportation & Highways Capital Programme 2013/14 – 2015/16, April 2013 ▪ Guidance on Applications for Cycle City Ambition Grants, - DfT, February 2013; ▪ 'Changing Gear, Transforming Urban Movement Through Walking & Cycling in Birmingham', Transport, Connectivity & Sustainability O&S Committee Report to City Council, April 2013; ▪ Project Definition Document: 'Smart Network, Smarter Choices', December 2011; ▪ Project Definition Document: 'Bike North Birmingham', November 2011. 	

List of Appendices accompanying this Report (if any):	
1.	Appendix A – Project Definition Document, including Drawings No. CCAG_004 and CCAG_005 and Summary Table of Routes and Other Measures.
2.	Appendix B – Equalities Analysis (Initial Screening)

Report Version	1	Dated	17 th April 2013
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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