

# Report to Cabinet

**7 July 2021**

<b>Subject:</b>	2022 Commonwealth Games – Sandwell Aquatics Centre - Management and Operation of Highways
<b>Cabinet Member:</b>	Councillor Jackie Taylor Connected and Accessible Sandwell
<b>Director:</b>	Nicholas Austin (Interim) Director Borough Economy
<b>Key Decision:</b>	No
<b>Contact Officer:</b>	Robin Weare Service Manager, Highway Services <a href="mailto:robin_weare@sandwell.gov.uk">robin_weare@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to sign a Concurrent Powers consent letter with the West Midlands Combined Authority to allow them to make related Temporary Traffic Regulation Orders to enable safe and efficient operation of the highways during the Commonwealth Games over a period of up to 4 weeks from mid-July 2022 to mid-August 2022, dates to be specified in the agreement.
- 1.2 That approval be given to enter into a Memorandum of Understanding with WMCA to identify and quantify the network management requirements to be delivered and implemented on the Games Route Network (GRN) to enable safe and efficient operation of the relevant highways during the Commonwealth Games.



- 1.3 That the Director of Law and Governance and Monitoring Officer be authorised to sign both the concurrent powers consent letter and the memorandum of understanding with the West Midlands Combined Authority.
- 1.4 That the (Interim) Director Borough Economy in consultation with the Cabinet Member for Connected and Accessible Sandwell be authorised to make any necessary amendments to the content of the Memorandum of Understanding following completion of any reviews and inspections to the existing highway network and be authorised to agree any necessary amendments to the Concurrent Powers Letter including the final dates on behalf of the Council.

## 2 Reasons for Recommendations

### Concurrent Powers

- 2.1 The West Midlands Combined Authority has been appointed by the Secretary of State to produce the Games Transport Plan. TfWM, the transport arm of the WMCA, will lead on this work. Under the Birmingham Commonwealth Games Act 2020, WMCA can request from the Secretary of State the power to make Games Temporary Traffic Regulation Orders (“TTRO”) and issue Games Temporary Traffic Regulation Notices (“TTRN”) using concurrent highway powers. The Secretary of State can only provide this power where the local highway authority has given consent.

In order to enable a successful Games, a number of traffic management measures will be required at all the venues across the region and partners are working closely to ensure the network operates as an integrated whole.

Although in normal circumstances Sandwell will undertake the necessary legal requirements to bring about TTRO and TTRN’s required for the Aquatics Centre venue, during the Games it is possible that there will be scenarios where, due to unforeseen circumstances, TTROs/TTRNs are required at exceptionally short notice, (for example, on a Sunday or overnight).



To guard against this risk it is requested that TfWM should have the ability to exercise concurrent powers, as outlined in the Games Act 2020, in consultation with the local Highway Authority, if the need arises.

It is in this context that consent should be provided by Sandwell Council.

## Memorandum of Understanding

2.2 The successful management of the West Midlands road network is critical to the success of the Commonwealth Games. During the Games the road network including the Games Route Network (GRN) will need to function efficiently to balance the travel movement priorities of Athletes, other Games Family and Spectators with minimal disruption to businesses, residents and background users of the network.

TfWM and Sandwell Metropolitan Borough Council will need to work together to coordinate and manage the GRN by:

- Ensuring the GRN road network is fit for purpose.
- Increasing the rate of routine highway inspection on the GRN until the conclusion of the Games;
- Ensuring efficient operation of the GRN at Games time to balance the travel movement priorities of Athletes, other Games Family and Spectators with minimal disruption to businesses, residents and background users of the network.
- Improving the GRN highway where needed and bringing forward planned highway works if required.
- Restricting planned highway and utility works on the GRN during the Games period.

To this purpose it is proposed to put in place a Memorandum of Understanding (MoU) between TfWM and Sandwell Council to identify and quantify the network management requirements to be delivered and implemented to meet the objectives set out above. It should be noted this MoU applies to the identified Games Route Network only.



### 3 How does this deliver objectives of the Corporate Plan?

	<p><b>People live well and age well</b></p> <p>The Commonwealth Games will promote sport and showcase the new Smethwick Aquatics Centre, which will provide a long lasting and inclusive legacy to encourage healthy activity in a world class facility.</p>
	<p><b>Strong resilient communities</b></p> <p>A well executed traffic management plan during Games time will make our communities feel safe, more protected and confident in their homes and neighbourhoods.</p>
	<p><b>A strong and inclusive economy</b></p> <p>Our local highways are the arteries of our communities. They connect our residents to employment, education, local services and indeed the wider world. They enable economic growth, social mobility and are vital in ensuring good health outcomes.</p> <p>The proposed enhanced inspection and maintenance regime on the Game Route Network along with a co-ordinated and well executed traffic management plan during Games time will provide improved network performance for all users, including commercial and public transport.</p> <p>Bringing the games to Sandwell will ultimately promote business opportunity and local economic benefits.</p>
	<p><b>A connected and accessible Sandwell</b></p> <p>The successful management of the road network is critical to the success of the Commonwealth Games. During the Games the Games Route Network (GRN) will need to function efficiently to balance the travel movement priorities of athletes, Games family, spectators, businesses, residents and background users of the network.</p>



	The proposed enhanced inspection and maintenance regime on the Game Route Network along with a co-ordinated and well executed traffic management plan will ensure network performance for all users.
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## 4 Context and Key Issues

### 4.1 Legal and Statutory Implications

- 4.1.1 The Traffic Management Act 2004 imposes a network management duty on the Council to manage day-to-day operational use of its highways.
- 4.1.2 Birmingham Commonwealth Games Act 2020 grants the Secretary of State the power to make Games Temporary Traffic Regulation Orders and issue Games Temporary Traffic Regulation Notices (using concurrent highway powers), but only provide where the local highway authority has given consent.
- 4.1.3 The Traffic Regulation Act 1984 powers to Highway Authorities regulate or restrict traffic on its highways, in the interest of safety and operation.

### 4.2 Consultation

- 4.2.1 Statutory consultation will be undertaken with all relevant stakeholders in line with the requirements set out in the Traffic Regulation Act 1984.
- 4.2.2 Early engagement with the community, local businesses and other key stakeholders will be undertaken by the Sandwell Aquatics Centre project team and the Commonwealth Games Organising Committee representatives, to help local residents and businesses understand the required traffic restrictions, access arrangements and operation of the highway network around the venue during the games period.
- 4.2.3 On the lead up to the games, highways restrictions and traffic management arrangements for the area around the venue will be more widely disseminated via social media networks and local press outlets.



## 4.3 Sustainability

- 4.3.1 The proposed Local Area Traffic Management Plan for the Aquatics venue will restrict the use of local roads to only necessary traffic. All spectators will be required to use alternative modes of sustainable travel to visit during the games period. Utilising rail, bus, walking and cycling. There will be no provision for visitor parking near the venue.
- 4.3.2 By undertaking to assist in keeping the Games Route network free flowing and hence provide all the sustainable benefits associated with reducing traffic delays and congestion on key routes.

## 4.4 Timescales

- 4.4.1 The Concurrent powers consent letter needs to be signed before end of June 2021 to allow WMCA to submit a combined application to the Secretary of State at the end of July 2021, as required by the Commonwealth Games Act.
- 4.4.2 The Memorandum of Understanding will be used to help identify and quantify the network management requirements to be delivered and implemented before the games commence in July 2022.

## 5 Alternative Options

- 5.1 The only alternative option available is not to sign the concurrent powers agreement letter. Consequently, if during the Games a scenario occurred where TTROs/TTRNs were required at exceptionally short notice to allow the games to continue without interruption (e.g. on a weekend or overnight), then the local authority may not have the resources to implement these within the required emergency timeframes. The WMCA will have the resources available at very short notice to coordinate the required emergency activity on the GRN and across local authority boundaries, in consultation with the relevant Highway Authorities..
- 5.2 In addition, this would also result in reputational harm as the only relevant Highway Authority not to enter into the wider agreement to help facilitate the operation of the Commonwealth Games.



5.3 Not entering into a Memorandum of Understanding would miss the opportunity to agree the mechanisms for efficient functioning of the Games Route network during the games period. This could result in competitors and officials being delayed and potentially missing or delaying programmed events. This would inevitably result in widespread reputational harm.

## 6 Implications

<b>Resources:</b>	The required funding for any work over and above 'normal business' will be conveyed in a future financial cabinet report by the Sandwell Aquatics Centre Project Director
<b>Legal and Governance:</b>	<p>The principal legal statutory duties and processes required to implement any highway and traffic management requirements as a consequence of hosting the Commonwealth Games, are set out in;</p> <ul style="list-style-type: none"> <li>• The Traffic Management Act 2004</li> <li>• The Traffic Regulation Act 1984</li> <li>• Birmingham Commonwealth Games Act 2020</li> </ul>
<b>Equality:</b>	An Equality Impact Assessment (EIA) initial screening has been undertaken. The screening identified that there will be no adverse impact on people or groups with protected characteristics. A full EIA is not therefore required.
<b>Health and Wellbeing:</b>	<p>The efficient and safe operation of the highway network around the Sandwell Aquatics Centre competition venue and on the Key Route Network will ensure all users of the highway network are protected and managed safely to reduce the risk of conflict and injury.</p> <p>The new Sandwell Aquatics Centre will have a life long health legacy, provided a much-needed world class health and leisure facility in the heart of the community.</p>



<p><b>Social Value</b></p>	<p>Social Value benefits are derived from the important role a well-maintained highway environment plays in the life of the community, particularly the positive opportunities that they can bring from social inclusion and interaction.</p> <p>The new venue has benefited from major enhancements to the surrounding highway infrastructure, including vast improvements to the provision for pedestrians and cyclists.</p> <p>The hosting of the Commonwealth Games in Sandwell will bring welcome opportunities for local businesses and communities to get involved and provide a long-lasting legacy for health, social interaction, community spirit and inclusion.</p>
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## 7. Appendices

- 7.1 Concurrent Powers Consent Letter
- 7.2 Proposed Memorandum of Understanding between Transport for West Midlands and Sandwell Metropolitan Borough Council.

## 8. Background Papers

### Background Detail

### Concurrent Powers

- 8.1 The West Midlands Combined Authority (WMCA) has been appointed by the Secretary of State to produce the Commonwealth Games Transport Plan. Transport for West Midlands (TfWM), the transport arm of the WMCA, will lead this work. Under the Birmingham Commonwealth Games Act 2020, the authority appointed to produce the Games Transport Plan can request from the Secretary of State the power to make Games related temporary traffic regulation orders (TTROs) and issue Games related temporary traffic regulation notices (TTRNs) through concurrent powers with the local Highway Authority. The Secretary of State can only provide this power where the local traffic authority has given consent.



8.2 In order to enable a successful Games, a number of traffic management measures will be required across the region and partners are working closely to ensure the network operates as an integrated whole. The Commonwealth Games Traffic Management Working Group has been established to bring together relevant partners so that traffic management planning across all games venues is coordinated, helping to ensure the Games is a success and that the impact on business as usual is minimised.

8.3 The Traffic Management Working Group has proposed that;

- TfWM will be responsible for the design of the traffic management measures for the Games Route Network (GRN) and the Local Area Traffic Management and Parking (LATMP) planning at the Games competition and key non-competition venues;
- For the network to function as an integrated whole at Games time, Games TTROs/TTRNs should not be prepared in isolation but should be prepared by a central team;
- It is sensible that TfWM, as authority responsible for the Games Transport Plan and the authority with sufficient central resources for the Games, prepares TTROs and TTRNs, working closely with the local authorities throughout the process;
- TfWM will submit the TTROs/TTRNs to the relevant local authority which will be responsible for approving, signing and sealing the TTROs and signing the TTRNs;
- Communication and forward planning is essential. Timeframes are being agreed so that the process runs as smoothly and efficiently as possible for all teams involved; and,
- Enforcement will remain unchanged – this will be carried out by the local authority or, where relevant, the police. Discussions on the detail of this are ongoing.

8.4 The preparation of TTROs/TTRNs by TfWM is restricted to those required to support traffic management measures for the GRN and LATMP and not for any other part of the local Highway Authority road network. During the Games it is possible that there will be scenarios where, due to unforeseen circumstances, TTROs/TTRNs are required at exceptionally short notice. If, for example, a TTRN is required on a Sunday or overnight, it may be the case that a local authority does not have the resources and governance processes in place to implement a notice in the very short



timescales required for the Games to continue unaffected. To guard against this risk, the Traffic Management Working Group has proposed that TfWM should have the ability to exercise the concurrent powers, as outlined in the Act. It is in this context that consent is being sought from the relevant local authorities.

- 8.5 It should be noted that TfWM does not expect to need to use the powers. However, local authorities accept that TfWM may need to make TTROs/TTRNs, where it is not feasible or practical for local authorities to be able to do so in the timescales required during the Games period. Where TfWM needs to exercise the use of concurrent powers, it will contact the local authority concerned when preparing the order or notice, as well as complete any traffic management approval protocol which may be in operation. This protocol will be developed by the Traffic Management Working Group and will ensure that local authorities are satisfied with the order or notice, in accordance with the Birmingham Commonwealth Games Act 2020.
- 8.6 For completeness and the avoidance of doubt, no powers are being taken away from local authorities at any point. Furthermore, the concurrent powers are temporary and limited in scope, strictly for the Games and only intend to be used in unexpected, exceptional and emergency situations.

### **Memorandum of Understanding**

- 8.7 The successful management of the West Midlands road network is critical to the success of the Games. During the CWG the road network including the Games Route Network will need to function efficiently to balance the travel movement priorities of Athletes, other Games Family and Spectators with minimal disruption to businesses, residents and background users of the network.

The Games Route Network (GRN) is a network of highways identified as the key highway routes that athletes and officials will take from their designated accommodation to the Commonwealth Games venues.

- 8.8 To ensure success and efficient running of the Games, TfWM and Sandwell Metropolitan Borough Council (SMBC) will need to work together to coordinate and manage the GRN by:



- Ensuring the GRN road network and network management asset is fit for purpose;
- Maximising network monitoring capability;
- Ensuring efficient operation of the GRN at Games time; and
- Improving the GRN highway where needed prior to the games.

8.9 To this purpose it is proposed to put in place a Memorandum of Understanding (MoU) between TfWM and SMBC to identify and quantify the network management requirements to be delivered and implemented to meet these objectives. It should be noted the MoU apply to the GRN only. It will be at the discretion of SMBC to prepare and operate the wider SMBC highway network to manage and mitigate potential displaced traffic from the GRN and the increase in visitors to the region.

8.10 A GRN Operations Strategy for Games time will be developed and adopted to achieve safe and reliable journeys. This will include analysis on the GRN to identify locations where the network management and monitoring asset may need repair or enhancement to inform and assist efficient network operation. Work packages will be identified and undertaken by TfWM and/or Sandwell Highways as appropriate. In preparation for the Games a period of maintenance and improvement may be required on the GRN and within the Local Area Traffic Management and Parking (LATMP) area for each venue.

8.11 The MoU will set out the expected Level of Service the Council will provide during the time periods defined below but first and foremost collaboration and communication between the partners will be key

8.12 The durations for which the MoU is operational are:

- a) Preparation period (Commencement date until 30<sup>th</sup> June 2022)
- b) Pre-Games Period (1<sup>st</sup> July 2022 to 21<sup>st</sup> July 2022)
- c) Games Period (22<sup>nd</sup> July 2022 to 10<sup>th</sup> August 2022) The 20 days of the games and the GRN/LATMP operation.

8.13. The MoU will identify the roles and responsibilities of Sandwell and TfWM and other partners. These include;

- SMBC will continue to retain all their existing functions, powers and activities in relation to the highway, traffic management and network asset.



- SMBC will work to ensure the asset and operation of the GRN and LATMP is sufficient to meet the requirements of successful delivery of the GRN Operations Strategy and the conditions contained in the Schedule of the MoU.
- TfWM will undertake a gap analysis of the network management and monitoring asset on the GRN and work with SMBC to facilitate identified enhancement and improvement if deemed necessary.
- SMBC, at their discretion, will undertake a review of network management and monitoring asset on the wider road network and identify and implement enhancement and improvement as required.
- Collaboratively SMBC and TfWM shall closely monitor the delivery of activities and performance on the GRN and LATMP to meet the delivery of agreed outcomes within the MoU.
- Working in collaboration with SMBC, TfWM will produce operational orders, procedures and protocols where required for the Day by Day operation of the GRN.
- Working in collaboration, SMBC and TfWM will establish best practice and implement the most effective processes.

8.14 The MoU covers work areas which are the direct responsibility of SMBC. It does not and is not intended to create any legal relationship between the Partners. All matters described in the Memorandum are subject to appropriate corporate and regulatory authorisation.

8.15 Subject to Freedom of Information each party shall during the term of this MoU and thereafter keep secret and confidential all business, technical or commercial information disclosed to it as a result of the MoU and shall not disclose the same to any person save to the extent necessary to perform its obligations in accordance with the terms of this MoU or save as expressly authorised in writing by the other party.

The parties acknowledge that SMBC and TfWM are subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs). The Parties therefore agree to work collaboratively in answering any enquiries within the scope of the FOIA and EIR.

