

MEMORANDUM OF UNDERSTANDING WITH BUSINESS IMPROVEMENT DISTRICTS WITHIN BIRMINGHAM

For services in respect of:

- Highway Maintenance and Management
- Car Parking
- Traffic Management

Signatories:

For Birmingham City Council Highways Service:

For BID ("Service User"):

Kevin Hicks
Assistant Director, Highways and Infrastructure
Birmingham City Council
Zone 17
1 Lancaster Circus Queensway
Birmingham
B4 7DQ.

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Effective dates:

From: 01 April 2016

To:

HIGHWAYS



1. Service Delivery

- 1.1.1 Since 07 June 2010, the City Council has been delivering its Highway Maintenance and Management services through a contract with Amey Birmingham Highways Ltd. Delivery of the services within the scope of this agreement is subject to the mechanisms within the Highway Maintenance and Management Services contract. It is acknowledged by both parties that the initial five years of the Highway Maintenance and Management Services contract forms a period during which there will be a progressive improvement in the general standards and condition of Highway Infrastructure.
- 1.1.2 During the contract, services related to safety of the Highway and other priority services to the City Council will be delivered according to the standards specified in the Highway Maintenance and Management Services contract. A summary of key performance standards from the contract is shown in section 6.
- 1.1.3 Certain (non-critical) services may be subject to an initial period where a defined level of service cannot be guaranteed. The purpose of this period is to enable infrastructure investment and backlog maintenance to be addressed.

2. Variations to Service Level

- 2.1.1 Both parties accept that the Council's capacity to deliver the services within this agreement is inextricably linked to its committed service levels under the Highway Maintenance and Management Services Contract. Therefore, this agreement may be subject to change by the Council in line with changes to the provision of services within that contract.
- 2.1.2 Additional services and services in respect of infrastructure assets that are enhanced in standard beyond the specification within the Highway Maintenance and Management Services contract are outside the scope of this agreement. Any additional revenue costs associated with maintaining such assets or providing such services will therefore require further agreement. Such agreement may form an addendum to this agreement.

3. Service User Obligations

- 3.1.1 This agreement requires compliance with the City Council's policies and procedures as the Highway Authority relating to the public highway. This includes requirements to obtain necessary permissions relating to activity on the highway.
- 3.1.2 The Service User shall not directly undertake or arrange for any maintenance of assets covered by this agreement.
- 3.1.3 The Service User shall report all faults identified through the City Council's web page, which is the preferred method of contact:
www.birmingham.gov.uk/highways
Faults / defects may also be advised by:
- Telephone: 0121 303 6644; or
 - E-mail: highwaysdefects@birmingham.gov.uk; and
- 3.1.4 The Service User shall not attach any item to any asset covered by this agreement without the prior written permission of the City Council (through the Highway Asset Manager, Highways Street Services Division).
- 3.1.5 The Service User shall be liable for any costs to rectify any damage to highway infrastructure incurred as a result of actions not in accordance with this agreement.

4. Review

- 4.1.1 This Memorandum of Understanding applies for the period of the BID unless varied otherwise. It will be reviewed as part of the re-ballot process for the BID.

5. Standard Services

Service Area	Highway Maintenance
Directorate	Place, Highways Service
Head of Service	Kevin Hicks, Assistant Director, Highways and Infrastructure
Contact Details	Paul O'Day Street Services Manager Tel: 0121 303 7412 E-mail: paul.o'day@birmingham.gov.uk
Scope of Services / Description	<ol style="list-style-type: none"> Routine Maintenance and Management of: <ul style="list-style-type: none"> Inspection, emergency repairs and non-urgent repairs to all Carriageway, Footway, Kerbs, Verges and Cycle Tracks within the HMPE; Emergency repairs to other Highways infrastructure located on the HMPE; Highway signage and road markings; and Highway drainage. Programmed / life-cycle replacement of highway infrastructure assets to meet the requirements of the Highway Maintenance and Management Services Contract.
Specification	<p>The service specification is derived from the output standards delivered through the Highway Maintenance and Management Services contract. The Highway Maintenance and Management Services contract document contains specific details of service standards to be delivered.</p> <p>The following key standards are specified:</p> <ul style="list-style-type: none"> Safety Inspections at a frequency of between one and six months according to the Category of Carriageway, Footway or Cycle Track; Attend and make safe any Category 1 Defect (emergency fault) within one hour, temporary repair of such within 24 hours and full repair within 28 days; General Highway repairs to other items of Highway infrastructure according to the timescales specified in the Highway Maintenance and Management Services contract; Highway signage and road markings to be repaired out as required by the Highway Maintenance and Management Services contract. Highway drainage work to be carried out as required by the Highway Maintenance and Management Services contract.
Staff and Equipment	Levels of staffing and resource commitment will be as required by the Highway Maintenance and Management Services Service Provider to deliver the requirements of the contract.
Performance Measures	<p>The services specified are to be carried out in accordance with Good Industry Practice and the requirements of the Highway Maintenance and Management Services Contract¹.</p> <p>Performance is measured and managed within that for District 11 of the Highway Maintenance and Management Services Contract.</p>
Budget	Baseline services are included within the Highways Service budget for the relevant year.
Other Comments	<ul style="list-style-type: none"> The City Council, as the Highway Authority, has a duty of care to maintain the Highway under the Highways Act (1980). The standards in relation to Carriageway and Footway reflect reinstatements by Statutory Undertakers under the New Roads and Street Works Act (NRSWA), which are managed by the Highway Maintenance and Management Services Service Provider on behalf of the City Council.

¹ In relation to certain services and performance requirements, it should be noted that response timescales may be subject to Moratorium Periods within the Highway Maintenance and Management Highway Maintenance and Management Services Contract.

Service Area	Street Lighting and Powered Apparatus
Directorate	Place, Highways Service
Head of Service	Kevin Hicks, Assistant Director, Highways and Infrastructure
Contact Details	Paul O'Day Street Services Manager Tel: 0121 303 7412 E-mail: paul.o'day@birmingham.gov.uk
Scope of Services / Description	<ol style="list-style-type: none"> Routine Maintenance and Management of Street Lighting and Powered Apparatus on HMPE, including: <ul style="list-style-type: none"> Inspection, emergency repairs and non-urgent repairs; and Emergency repairs. Programmed / life-cycle replacement of highway infrastructure assets to meet the requirements of the Highway Maintenance and Management Services Contract.
Specification	<p>The service specification is derived from the output standards delivered through the Highway Maintenance and Management Services contract. The Highway Maintenance and Management Services contract document contains specific details of service standards to be delivered.</p> <p>The following key standards are specified:</p> <ul style="list-style-type: none"> Service Inspections, Electrical Safety Inspections and Testing, Structural Inspection of Powered Apparatus and Night-Time Inspections of Illuminated Apparatus according to the Highways Lighting Code; Attend and make safe any Category 1 Defect (Emergency fault) within one hour, temporary repair of such within 24 hours and full repair within 28 days; No individual Lighting Point to be not In Light for more than 12 Business Days (decreasing to 5 Business Days by Year 5 of the contract) for 95% of occurrences.
Staff and Equipment	Levels of staffing and resource commitment will be as required by the Highway Maintenance and Management Services Service Provider to deliver the requirements of the contract.
Performance Measures	<p>The services specified are to be carried out in accordance with Good Industry Practice and the requirements of the Highway Maintenance and Management Services Contract².</p> <p>Performance is measured and managed within that for District 11 of the Highway Maintenance and Management Services Contract.</p>
Budget	Baseline services are included within the Highways Service budget for the relevant year.
Other Comments	<ul style="list-style-type: none"> The City Council, as the Highway Authority, has a duty of care to maintain the Highway under the Highways Act (1980).

² In relation to certain services and performance requirements, it should be noted that response timescales may be subject to Moratorium Periods within the Highway Maintenance and Management Highway Maintenance and Management Services Contract.

Service Area	Winter Maintenance
Directorate	Place, Highways Service
Head of Service	Kevin Hicks, Assistant Director, Highways and Infrastructure
Contact Details	Paul O'Day Street Services Manager Tel: 0121 303 7412 E-mail: paul.o'day@birmingham.gov.uk
Scope of Services / Description	<ol style="list-style-type: none"> 1. Precautionary gritting of Priority Carriageway Routes and Priority 1 Pedestrian Routes in accordance with the Daily Actions List (updated as required); 2. Post-gritting to comply with section 41(a) of the Highways Act 1980; 3. Snow clearing operations on Priority 1 and Priority 2 Carriageway Routes to comply with section 41(a) of the Highways Act 1980; 4. Reactionary treatments on Pedestrian Routes in descending order of priority; 5. Provision and maintenance of Grit Bins at designated locations.
Specification	<p>The service specification is derived from the output standards delivered through the Highway Maintenance and Management Services contract. The Highway Maintenance and Management Services contract document contains specific details of service standards to be delivered.</p> <p>The following key standards are specified:</p> <ul style="list-style-type: none"> • Precautionary gritting of Priority Carriageway Routes, completed as required within three hours for 95% of occurrences; • Precautionary gritting of Priority 1 Pedestrian Routes, completed between 0430 and 0730 hours; • Post-gritting operations to commence within one hour and completed within four hours; • Snow clearing operations to commence within one hour and completed within four hours; • Grit Bins to be maintained at a level of at least 30% at all times between 01 October and 01 November each year.
Staff and Equipment	Levels of staffing and resource commitment will be as required by the Highway Maintenance and Management Services Service Provider to deliver the requirements of the contract.
Performance Measures	<ul style="list-style-type: none"> • Deployment of resources is subject to weather forecasts and road surface conditions. • A decision-making process is operated between the Highway Maintenance and Management Services Service Provider and the Council, maintaining a record of all actions taken. • All gritting vehicles are fitted with GPS to track, audit and verify vehicle movements.
Budget	Baseline services are included within the Highways Service budget for the relevant year.
Other Comments	<ul style="list-style-type: none"> • The City Council, as the Highway Authority, has a duty of care to maintain the Highway under the Highways Act (1980). • The Highway Maintenance and Management Services Service Provider provides this service as the Council's agent. This is in compliance with the Service Provider's Winter Maintenance Service Operational Plan, which is agreed by the Council. • The standby period for Winter Maintenance Services is between 01 October and 15 May each year.

Service Area	Car Parking and Traffic Management
Directorate	Place, Highways Service
Head of Service	Kevin Hicks, Assistant Director, Highways and Infrastructure
Contact Details	<p>Car Parking: Stacey Ryans Parking Services Manager Tel: 0121 303 6427 E-mail: stacey.ryans@birmingham.gov.uk</p> <p>Traffic Management: Steve Taylor Tel: 0121 303 7213 E-mail: steve.k.taylor@birmingham.gov.uk</p>
Service description (incl. area covered)	<ol style="list-style-type: none"> 1. Provision and maintenance of City Council on- and off-street parking. 2. Parking enforcement. 3. There are a number of on-street parking spaces within the bid area, but this number can increase or reduce due to new developments and highway improvement schemes.
Specification (e.g. when, how often, planned/responsive, maintenance/renewal/replacement schedule)	<p>On-Street and Off-Street parking</p> <ul style="list-style-type: none"> • The maintenance of road markings, signs and meters to on and off street parking is carried out on an Ad-hoc basis or carried out as a part of other highway changes. • The parking ticket machines are serviced quarterly and defects are rectified generally within 24 hours of them being discovered. <p>Civil Parking Enforcement</p> <ul style="list-style-type: none"> • This activity is carried out by the appointed Parking Enforcement Contractor and Vehicle Removals Contractor on behalf of the City Council. Civil Enforcement Officers (CEOs) patrol specific beat areas. • In addition Civil Enforcement Officers (CEOs) are deployed when and where necessary to respond to specific areas experiencing traffic management or safety related issues associated with parking or to respond to demand or special events. <p>Traffic Management</p> <ul style="list-style-type: none"> • Temporary/permanent traffic management changes are necessary if there are changes in the immediate or surrounding area that alters the type, volume or flow of traffic. Temporary arrangements are needed for events, developments and highway work. These arrangements are carried on an ad-hoc basis. • All traffic management arrangements need to take account of the co-ordination of buses, taxis, coaches, deliveries etc.
Staff and equipment	<ul style="list-style-type: none"> • Civil Enforcement Officers (CEOs) are deployed between 0700 and 2300 hours as determined in accordance with the Council's Parking Enforcement contract. • Vehicle removal service as required to comply with the Council's legislative responsibilities. • 4 no. – Traffic Management staff co-ordinating traffic management arrangements in the City Centre area.
Performance measures	<ul style="list-style-type: none"> • Traffic management arrangements and restrictions are carried out in accordance with the Highways Act 1980 and The Traffic Signs Regulations and General Directions 2002. • Civil Parking Enforcement (CPE) is carried out in accordance with Part 6 of the Traffic Management Act 2004 (TMA). • The parking enforcement and vehicle removal contractors' performance is monitored to ensure compliance with the contract requirements and the Traffic

	<p>Management Act 2004.</p> <ul style="list-style-type: none"> • Traffic Management all parts of Traffic Management Act 2004
Budget in 2008/09 (capital and revenue)	<ul style="list-style-type: none"> • The car parking activity is generally self-financing with costs being recovered through charges. • Traffic Management – Temporary / permanent traffic management costs are covered by the development work and highway improvements.
Proposed BID activity (with costs)	<p>Provision of on and off street parking provision and Civil Parking enforcement will continue to be provided as detailed above.</p>
Other explanatory comments	<ul style="list-style-type: none"> • CEOs only have authority to deal with Civil Parking contraventions in compliance with the requirements of the Traffic Management Act 2004, Part 6. • Obstruction of the highway and contravention of the traffic regulations is only enforceable by the Police.

6. Key Performance Standards

The following key performance standards are extracted from the Highway Maintenance and Management Services contract document. Any standards set out in this Service Level Agreement need to be interpreted in the context of the standards contained within the contract document itself.

Contract Reference	Service Area	Obligation	Time to Rectify Faults
Part 2 – 2.2.2	Abandoned Vehicle	To notify BCC of any abandoned vehicles on the Highway	2 hours
Part 2 – 2.16.9.1 (a)	Apparatus	Removal of unauthorised attachments	5 business days
Part 2 – 2.7.13.1 (d)	Belisha Beacons	Belisha beacons and their columns / poles are in light (when required)	2 hours
Part 2 – 2.7.2.2 (a)	Category 1 Defects	Attend and make safe a defect that is an imminent danger	1 hour
Part 2 – 2.7.2.2 (b)	Category 1 Defects	Temporarily repair a defect that is an imminent danger	24 hours
Part 2 – 2.7.2.2 (c)	Category 1 Defects	Fully repair a defect that is an imminent danger	28 days
Part 2 – 2.9.2	Footway Crossings	Inspect sites of proposed Footway Crossings and advise: - Detailed measurements; - Any requirement for additional works (on (i) the adjacent area of carriageway, footway, verge, kerb or cycle track, (ii) re-siting street furniture; or (iii) utility apparatus; - Any other requirements to construct the Footway Crossing.	5 Business Days
Part 5 – 2.2.2.2 (a)	Highway Emergencies	Attend at the site of a Highway Emergency, for 95% of occurrences	1 hour
Part 5 – 2.2.2.2 (b)	Highway Emergencies	Attend at the site of a Highway Emergency, for 100% of occurrences	2 hours
Part 5 – 2.2.2.3	Highway Emergencies	Make safe the site of a Highway Emergency	1 hour
Part 2 – 2.7.14.1 (a)	Landscaping	No Traffic Signs are obstructed by vegetation	1 day
Part 2 – 2.7.14.1 (b)	Landscaping	No Traffic Signals are obstructed by vegetation	1 day
Part 2 – 2.2.3.1 (a)	Large Item/Large Spillage	During the working hours of Street Cleansing, make safe any large item or large spillage for 95% of occurrences	1 hour
Part 2 – 2.2.3.1 (b)	Large Item/Large Spillage	During working hours of Street Cleansing, make safe any large item or large spillage for 100% of occurrences	2 hours
Part 2 - 2.2.4.1	Large Item/Large Spillage	Outside the hours of operation of Street Cleansing, remove any large item or large spillage, for 95% of occurrences	90 minutes (interim rectification period total 3 hours)
Part 2 - 2.2.4.2	Large Item/Large Spillage	Outside the hours of operation of Street Cleansing, remove any large item or large spillage, for 100% of occurrences	3 hours (interim rectification period total 6 hours)
Part 2 – 2.7.15.1 (a)	Removal of Carcasses	Outside the hours of operation of Street Cleansing, remove carcasses, for 95% of occurrences	1 hour

Contract Reference	Service Area	Obligation	Time to Rectify Faults
Part 2 – 2.7.15.1 (b)	Removal of Carcasses	Outside the hours of operation of Street Cleansing, remove carcasses, for 100% of occurrences	2 hours
Part 2 – 2.7.7.1 (f)	Road Markings	All road markings are complete to comply with any applicable Traffic Regulation Order	3 months
Part 2 – 2.6.1	Street Lighting	Ensure that 98% of lighting points are in light (when required) in each District	N/A
Part 2 – 2.7.4.1 (c)(i)	Street Lighting	No individual lighting point is not in light (when required) for more than 5 Business Days (Year 5 onwards) for 95% of occurrences	Year 5 onwards: 5 Business Days
Part 2 – 2.7.4.1 (c)(ii)	Street Lighting	No individual lighting point is not in light (when required) for more than 20 Business Days for 100% of occurrences	Year 2 onwards: 20 Business Days
Part 5 – 2.4	Traffic Signals - Urgent Aspect Lamp Failures	Replace red aspect lamps on traffic signals	2 hours
Part 2 – 2.7.6.1 (d)	Traffic Signs & Traffic Signals	All illuminated and non-illuminated traffic sign faces are visible and legible	1 Month
Part 2 – 2.7.6.1 (g)	Traffic Signs & Traffic Signals	Traffic signs are complete to comply with any applicable Traffic Regulation Order	1 Month
Part 3B – 2.3.1	Tree Management	There shall be no overall decrease in the total number of trees on the highway network in any Constituency, unless prior written consent has been obtained from BCC	N/A
Part 3B – 2.3.17	Tree Management	Replacement / additional trees are of an appropriate level of maturity and are not prohibited species	N/A
Part 3C – 2.1.1	Weed Control	The surface of all carriageways, cycle tracks, footways and footpaths is substantially free from vegetation	5 Business Days
Part 4 – 2.7.2	Winter Maintenance - Grit Bins	Fill every grit bin so that it is at least 30% full at all times (during the winter maintenance season)	1 day
Part 4 – 2.4.1.1	Winter Maintenance - Post Gritting Operations	Undertake post-gritting on all Priority Carriageway Routes where needed to comply with section 41(A) of the Highways Act	N/A
Part 4 – 2.2.1	Winter Maintenance - Precautionary Treatments on Carriageways	Undertake precautionary treatments on all Priority Carriageway Routes unless otherwise agreed with BCC	N/A
Part 4 – 2.3.1	Winter Maintenance - Precautionary Treatments on Carriageways	Undertake precautionary treatments on all Priority 1 Pedestrian Routes between 4:30am and 7:30am	N/A