

ECONOMY AND ENVIRONMENT COMMITTEE: MINUTES

Date: Tuesday 19th April 2016

Time: 10.00 a.m. to 11.25 p.m.

Present: Councillors: I Bates, E Cearns, J Clark, L Harford, R Henson, N Kavanagh, A Lay, M McGuire, J Schumann, J Scutt (substitute for Councillor Walsh), M Shuter and J Williams.

Apologies: Councillor A Walsh.

203. MINUTES AND ACTION LOG

The minutes of the meeting held on 8th March were agreed as a correct record.

In discussion on the action log, the following updates were orally provided:

- a) Minute 140 – Northstowe Phase 2 – Section 106 Heads of Terms – 4 X4 Group – **As** a further update the Vice-Chairman highlighted that the 4x4 Group had not re-convened to discuss Affordable / Starter Homes due to the uncertainty around the proposals for Starter Homes currently being consulted on as part of the Housing and Planning Bill.
- b) Minute 176 - Cambridge Quality Bus Partnership (QBP) – An oral update indicated that a meeting had taken place with bus operators the previous day [where they had confirmed](#) that they would only agree to sign a one year extension in respect of the QBP to be further reviewed after six months, in order to assess the progress being made by the City Deal to tackle congestion
- c) In respect of the previous query raised by Councillor Williams regarding the City Deal Board being a signatory, it was reported that the bus operators had indicated that they were keen to have greater engagement with elected Members and dialogue with the City Deal Board, which was now taking place.
- d) Land Acquisition and Licence Agreements to allow construction to commence to Yaxley to Farcet Cycle Path – Further e-mail updates detailing the reminder letters from the Council's legal team sent to the land owners' solicitors had been provided to the local Norman Cross members since the last Committee meeting, including the latest placed in the two Member's pigeon holes earlier that morning. The expectation was that the issues could be resolved by the end of May. In response, Councillor McGuire drew attention to one of the e-mails making reference to the need to write a report on a Compulsory Purchase Order if progress was not forthcoming. He reminded officers that the Committee had previously authorised a CPO request if agreement could not be reached with the landowners involved. In response it was confirmed that the lead officer in Strategy and Estates had been made aware of the previous approval. Councillor McGuire suggested the need for fortnightly updates to the local members. This

was supported by the other local member, Councillor Henson, who additionally made the point that the e-mails did not make reference to the construction of a footpath. He had serious concerns regarding whether it would ever be built, as he understood another part of the land had been sold off, making it even more difficult for the project to be achieved. He highlighted that he believed the early construction of a footpath was more important than a cycleway in order to avoid an accident involving pedestrians walking next to the road, as currently there was only a grass verge. He highlighted that he was always being asked what progress was being made at the local parish council meetings and wanted to be able to report back a positive outcome as soon as possible.

It was resolved:

a) that Cllrs Henson and McGuire and the Chairman (Cllr Bates) and Vice-Chairman (Cllr Cearns) should receive fortnightly updates on progress.

Action: Ian Wilson Strategy and Estates

b) to note the other actions progress / completion as set out in the Minutes Action Log report.

204. PETITIONS

There were no petitions to be considered.

205. A605 KINGS DYKE LEVEL CROSSING CLOSURE – SELECTION OF PREFERRED OPTION AND PROCUREMENT

At this Committee's meeting on 3rd February 2015, having considered the response to a public consultation and an Options Assessment Report (OAR), a preferred option was selected to progress the submission for planning approval. The Committee also approving a procurement strategy using Early Contractor Involvement (ECI) in a two stage Design and Construct Contract and the negotiation of land and rights acquisition required for the delivery of the scheme, including the preparation of Compulsory Purchase and Side Road Orders.

The Committee noted that the planning application was submitted in December 2015 and was unanimously approved by the County Council's Planning Committee on the 10th March 2016.

The current report highlighted that when this Committee approved the procurement strategy in 2015, contractual options had been limited, and that a full European tendering process would be necessary. However since then, the County Council had been leading on the procurement of the Eastern Highways Framework (EHF2), a contract shared by 11 local authorities. This contract had the ability to deliver schemes costing up to £20 million, which placed the King's Dyke improvement within its scope and was therefore recommended as the preferred strategy. The details of the two stage contract process were set out in the report.

It was highlighted that the expectation was that the scheme would be delivered as a single package, but that there was no guarantee that the contractor would move directly

from detailed design to construction. This would be conditional on satisfactory performance and agreement of a construction target cost, based on the detailed design. Should the construction target cost be significantly higher than currently estimated, this would be reported to the Committee for further consideration. Scheme funding was currently included in the Business Plan with the report providing details of the estimated cost of the scheme which included Optimism Bias at the highest level. It was reported that it was possible that the estimated cost would come down as greater certainty over construction details emerged during the detailed design process. Currently £11.5 million was to be secured from external sources, with the County Council contribution being a maximum of £2m to meet the figure included in the Business Plan. However, if no additional funding sources were found and significant risks materialised leading to an increase in the cost, further borrowing might be necessary which would require General Purposes Committee approval.

It was currently anticipated that the Design and Construction would take approximately 16 to 18 months, and that the earliest completion date would be late 2017 or early 2018 assuming land that was required for the Scheme could be acquired with no requirement for a Public Inquiry. Whilst every reasonable effort would be made to acquire the necessary land and rights by negotiation, a Compulsory Purchase Order and a Side Roads Order had previously been agreed to ensure the necessary land and powers were available to deliver the scheme.

It was further noted that the construction programme would depend on the method chosen by the contractor and the requirement to secure possessions from Network Rail to work over and close to the railway. As an update it was reported that the possessions were being provisionally booked, although these would need to be confirmed by the contractor with respect to his programme. Additionally, it was highlighted that as currently Network Rail had only offered a £275k contribution on the basis that it was not in their current work programme, officers were seeking to negotiate an increase to this sum.

Comments / queries from Members of the Committee included:

- asking whether Network Rail (NR) were likely to object to any design / construction methods which could add further delay. In response it was indicated that NR were positive in respect of the scheme's proposals. The design placed as much work as possible outside of the area that would impact on rail operation and that construction methods and control could be agreed with NR. It was reported that currently this crossing closure did not maximise rail operational cost savings as the crossing was linked to an adjacent level crossing on a minor road that would still remain open and manned for the foreseeable future. Further to this reply, another Member suggested that NR would in fact be massively advantaged by the fact that they would be able to run more trains on the line and that this should be highlighted in further negotiations with them regarding both the increase in their contribution, and also to raise it up their priority works list.
- One Member was concerned at the open ended nature of the tender without knowing what was to be undertaken and when.
- One Member asked whether NR charged for line closures. In response it was

indicated that yes that would be the case and that this could cost hundreds of thousands of pounds for a weekend closure due to compensation needed for the Train Operating Companies. Any opportunity to construct the bridge at a time when the line was due to be closed for other works would be sought.

- There was a request to be provided with the list of names of the six tenderers outside of the meeting. **Action: Brian Stinton**
- One Member queried whether the construction of the bridge could be compromised should there be a later decision by NR to widen the line. In respect of this query it was stated that currently widening of the railway line had not been raised by Network Rail in discussions on the proposals, and that they remained fully supportive of the Scheme. It was highlighted that there were a lot of other structures along the line that would also need to be widened, not just the proposed crossing, and therefore the cost involved was unlikely to make it viable in the foreseeable future.
- In response to a question from one Member regarding who would pick up the cost of design should the scheme not go forward to the second stage, it was confirmed that this would be a cost to the County Council.
- On a concern regarding the risks on such a complex project and the request for an assurance that sufficient officer resources would be allocated, it was reported that another project manager was being recruited and that the Service Consultant would have responsibility for managing the contract and ensuring the appropriate level of resources was allocated.

Councillor Clark who was the Committee's appointment on the Kings Dyke Project Board was able to re-assure Members on a number of the points which had previously been raised and answered at Board meetings, including that the contractors had the necessary skills, some of them having worked with Network Rail on similar projects and also confirming that the price of the project did not always necessarily increase. He also highlighted that both local Members and residents were fully in favour of the scheme, as currently it was common to have to wait 20 minutes at the crossing and when there was flooding, this could increase to an hour.

During the discussion Councillor Clark declared a personal interest as two of his sons were currently employed by Kier Infrastructure and Overseas Ltd one of the suppliers appointed to the Eastern Highways Framework.

The Committee's attention was drawn to the comments provided in advance from local Councillors Butcher and Councillor Boden stating that "...we are happy with the report and recommendations". In addition Councillor Butcher also added that "Whittlesey has been waiting over 40 years for this bridge to be built! Please move it on as fast as possible".

It was resolved to:

- a) Note the Planning Committee approval and current position in relation to the

King's Dyke level crossing bypass and bridge;

- b) Approve the use of the competitive process within the Eastern Highways Framework Contract (EHF2) for the detailed design and construction, as detailed in Section 2 of the report,
- c) Note that approval to award the Design and Construct works package would be sought at a future meeting of the Economy and Environment Committee, and
- d) Note that once the detailed costs became clear, the proposed funding arrangements would be brought to Economy and Environment Committee and, [should additional funding be required, to the General Purposes Committee for approval before contractual arrangements were finalised.](#)

206. RIGHTS OF WAY IMPROVEMENT PLAN UPDATE

The Committee received a report outlining the updated 'Rights of Way Improvement Plan (ROWIP) Update' as required by statute and which had been amended following comments received as a result of a stakeholder consultation exercise carried out between August and October 2015.

The main focus of the ROWIP was to manage and improve the local public rights of way network. It was explained that the updated ROWIP (appended as Appendix 2 of the report) forms part of the third iteration of the Local Transport Plan, known as LTP3, but would not amend the policy basis of the existing ROWIP or LTP3. Its purpose was to demonstrate how the Council's policies and plan for rights of way would contribute towards the Council's vision and outcomes.

The report highlighted that the Council no longer had the resources to deliver all the measures that officers would have liked over the lifetime of the Plan, but the aim was to be innovative in preparing bids for funding streams that became available.

Committee Members comments / questions included:

- Congratulating the officers on an excellent document.
- Seeking clarification of the resources available to the Team. In response it was indicated that the Definitive Map Team comprised four officers whose work covered the maintenance of the legal record. The Rights of Way Maintenance function being provided by two Rights of Way officers, a District Highway Manager and some Local Highways officers.
- In response to a question on whether the Greater Cambridgeshire Local Nature Partnership Board 'Natural Cambridgeshire' had been included in the consultation, it was confirmed that the contact officer had been included, but that no response had been received.

- One Member indicated that he would have liked to have seen partnerships with parish councils in terms of them being able to repair footpaths while another questioned whether the maximum opportunity was being made of joined up working opportunities with public health and adults services. In response one Member highlighted that on page 11 of the document specific reference was made to such issues in the second paragraph under the heading 'What can the ROWIP aspire to achieve in the future?' reading "*there will an increased focus on encouraging healthy lifestyles by working closely with the newly established Cambridgeshire Health and Wellbeing Board. Increased working in partnership with statutory and voluntary agencies such as the Local Access Forum and town and parish councils will be key to delivering improvements to countryside access*".
- In answer to a question on funding sources it was confirmed that there was money allocated to rights of way improvement under highways funding in the 'Local Transport Plan'. The lead officer also explained that the Definitive Map Team worked with 'Highways England' and 'Network Rail' on major infrastructure projects so that where possible improvements to the public rights of way network were secured as part of those schemes. Work was also undertaken with monies from the Transport Innovation Fund (TIF).
- There was a request that in future it would be useful to have the changes to the Plan shown with track changes. The lead officer indicated that he would undertake to provide this to Members following the meeting. **Action Laurence Smith (LS)**
- One Member made reference to the Section titled '3. ROWIP Summary of Progress' and particularly the section on page 31 of the document under 4.2 Local facilities and events reading "*Patch meetings are held regularly across the County with Parish Council representatives to discuss the rights of way issues*" indicating that she was not aware of such events. As an initial response it was explained that the 'Patch' meetings took place once a year in the Autumn in Highways depots and included invites to Parish Councils, Town and District Councils and County Councillors. In the past they had received good patronage. Further to this explanation the Member requested that further details of these meetings, including what publicity was undertaken to advertise them, should be made available to Committee members outside of the meeting **Action. LS**
- One Member questioned what action was being undertaken to circulate the Plan to ensure a joined up approach to action delivering the strategic outcomes. Further to this, it was suggested that the final document should, in addition to any current circulation undertaken, also be sent to planning authorities and local landowners. **Action. LS**

It was resolved unanimously to:

approve the update to the Rights of Way Improvement Plan.

207. ADULTS LEARNING AND SKILLS REVIEW REPORT

The Vice Chairman took over Charing the meeting as the Chairman had been called out to receive a petition.

Further to the request made at the Committee meeting on 14th July 2015 the Committee received a report on the review of Adults and Learning Skills service. Included as appendix 1 to the report was the Adult Learning and Skills Review which summarised the achievement of the Service in the Academic Year 2014-2015 based on the evaluation on both quantitative and qualitative data gathered on the student engagement and achievement, and on learner, partner and stakeholder feedback.

It was explained that apart from the Fenland Grant (less than 0.5% of the income) the work of the Service was entirely grant funded, representing an income of around £3 million to the County Council. The service also used resources received from partners and the fees taken by the subcontractors to be able to offer more learning.

The report demonstrated:

- That the work of the service continued to meet the Ofsted standards for a good quality provision.
- Across all provision areas learners made it clear that their learning needs were thoroughly met with 86% of learners reporting this through course evaluation, and that they are suitably equipped for the next stage in their education or employment.
- Overall levels of attendance, retention and achievement had improved on previous years with success rates across the delivery areas increasing.
- Tutors were providing good to outstanding levels of support to learners.
- Leadership and management of the Service continued to be highly effective, even with substantial changes to the structure.

In terms of the learner profile data for the 12 most deprived wards, attendance had increased from 746 at August 2015 to 1157 at February 2016. An oral update at the meeting indicated that the figure had now increased to 1387 which showed that progress was continuing to be made.

Councillor Schumann who had been involved in the Member Working Group set up by the Committee indicated that he had worked closely with the Strategic Finance Manager and fully endorsed the Review's contents. He highlighted the "fantastic figures on percentage rate increases" in areas of deprivation and the work being carried out to help address it.

Questions / issues raised by Members included:

- In respect of the 'Community Learning' category, a Member asked whether there was any evidence that the increase in the number of community colleges

and academies had resulted in a decline in access to provision for adult learners. In reply it was explained that at the current time every community college who had previously contracted services to the community had renewed their offer, as they recognised the benefit they provided in targeting those in the most need.

- One Member welcomed the increased success rate for Fenland learners which he linked to the resistance from the Committee to reducing funding for the Fenland Learning Centre and indicated that any future attempt to reduce this funding would be resisted.
- One Member asked what provision was made for people with learning disabilities being given longer to undertake exams. In reply it was indicated that this resource was available and most examination boards did allow additional time and resources for people with learning disabilities. The Member made the further point that extra time did not help with dyslexia, as what they required was a reader.
- The Vice Chairman, making reference to the breakdown of learners across Fenland on page 8 of the report asked whether follow up was undertaken to see whether the figures shown, changed. In response it was explained that those going on to further learning were recorded and exit interviews were carried out by the Careers Service with encouragement given to feedback details of any increases in salary directly linked to additional skills gained.

In further discussion it was agreed that it would be useful for those Members interested to visit one of the learning centres as further Member engagement would be welcomed. The Vice Chairman suggested that a future Spokes meeting could be held at one of the centres in Fenland, followed by a visit to the surrounding area to help increase Member's local knowledge. **Action Bob Menzies / Emma Middleton**

It was resolved unanimously:

to note and endorse the report.

208. FINANCE AND PERFORMANCE REPORT – FEBRUARY 2016

This report provided the Committee with an opportunity to comment on the projected financial and performance outturn position as at the end of February 2016.

The key issues highlighted were:

- at the end of February, Economy Transport and Environment (ETE) as a whole was forecasting a year-end underspend on revenue of £1.477m.
- At the end of February, ETE was forecasting an underspend on Capital of £36.6m with two changes highlighted since the last Committee in relation to Connecting Cambridgeshire and the Guided Busway for the reasons set out in paragraph 2.4 of the report.

In relation to the twelve Economy and Environment Committee performance indicators set for 2015-16, one was currently showing as red and eleven green. The indicator currently red was the 'the number of local bus passenger journeys originating in the authority area'. The current forecast for year-end, was that none of the indicators would be red, six would be amber and six green.

Members raised issues including:

- Congratulating the improvement on the ETE operational indicator on the percentage of complaints responded to within 10 days, which had an actual figure of 99% against a target of 90%.
- Asking what capacity would be available to meet the increased passenger demand for the Guided Busway expected as a result of carrying out Phase 1 of the Northstowe development with the Member highlighting that current passenger numbers were already at the level which had been expected when Phase 1 was to have been completed and houses occupied. He also queried whether a larger Section 106 contribution could be requested from the developer towards any additional costs to the operation of the Guided Busway. In reply it was indicated that no further contribution could be requested for the early stages of the development as a result of the success of the Guided Busway and that any increase in demand would be responded to by the bus companies on a commercial viability basis. If shown to be viable the bus companies would provide additional buses without any contribution from the County Council.
- In respect of money not spent on cycle schemes referred to on page 16 of the Officer report e.g. Cromwell Community College to the Elms, Chatteris, there was a request from the Council Cycling Champion to use any underspends to finance a required cycle-path running along Sir Harry Smith Community College in Whittlesey.

It was unanimously resolved:

To note the report.

209. ECONOMY AND ENVIRONMENT COMMITTEE TRAINING PLAN

The Committee was asked to note the Committee's Training Plan and consider whether invites to listed sessions should be extended to other Committee Members. The main issues highlighted were to confirm the training session on 'Transport Strategies and Funding' was due to take place that afternoon and that the 26th May had now been identified as the date for the Adults Learning and Skills session.

It was resolved unanimously to:

- a) note the upcoming training session dates as listed in appendix one of the report.
- b) Note the request to consider if invitations to any of the listed sessions should be extended to Members of other committees.

- c) Note the list of potential training sessions for 2016/17 would be brought to the Next Economy and Environment Committee.
- d) To note the need to sign an attendance sheet when attending training sessions, so that Members' attendance is accurately recorded.

210. ECONOMY AND ENVIRONMENT COMMITTEE SERVICE COMMITTEE AGENDA PLAN

It was resolved unanimously to note the following changes made to the Forward Plan since publication:

Rescheduling the Ely Southern Bypass - Award of Contract for Design & Construction Report from 24th May to the 14th July meeting.

211. DATE OF NEXT MEETING 10 A.M. TUESDAY 24th MAY 2016

Chairman
24TH May 2016