

## **CABINET: MINUTES**

**Date:** 9<sup>th</sup> September 2004

**Time:** 10.00 am – 10.49 am

**Present:** Councillor J K Walters (Chairman)

Councillors: V H Lucas, A K Melton L J Oliver, D R Pegram J A Powley, F H Yeulett and R Wilkinson

### **Also in Attendance**

Councillors S V Brinton J Gluza and A C Kent.

**Apologies for Absence:** Councillors S F Johnstone and J E Reynolds.

## **533. MINUTES**

It was resolved:

That with the amendment under “Declarations of Interest” from Councillor R Pegram to delete the words “Non Executive Director” and replace with the word “governor” the minutes of the meeting held on 13<sup>th</sup> July 2004 were confirmed as a correct record and signed by the Chairman.

## **534. DECLARATIONS OF INTEREST**

None.

## **535. ISSUES ARISING FROM SCRUTINY COMMITTEES**

There were no matters from Scrutiny Committees to report.

## **536. PETITION REGARDING AGENDA ITEM 6 - CAMBRIDGE HISTORIC CENTRE PEDESTRIAN ZONE - CYCLING RESTRICTION**

At the invitation of the Chairman, James Woodburn on behalf of the Cambridge Cycling Campaign spoke to a petition signed by 170 people supporting the proposed experiment to permit two way cycling in Trinity Street and St John's Street between 10 am and 4 pm and called for Cabinet to approve the experiment.

In his presentation James Woodburn contested that the term in the officers report “Historic Centre Pedestrian Zone” was misleading, as the zone was for both cyclists and pedestrians. During the 10am to 4pm period – the period of restriction - cycling had always been permitted on more than half of the length of the roadways within the zone (one-way cycling in Trinity Street, St John's Street and Green Street, two-way cycling in Trinity Lane). The present proposal was a modification of this as there was no satisfactory South to North cycle route through Cambridge between 10am and 4pm. He therefore

contested that this could not be seen as a major change of use.

The petitioners took the view contrary to that of the officers, believing that two way cycling would be safe and would be much safer for all road users than most roads. He indicated that despite the numbers of cyclists who used Trinity Street and St John's Street, no injury accidents involving motor vehicles, cyclists or pedestrians had been recorded during the last three years, with no pedestrians having been injured by cyclists and no cyclists having been injured by motor vehicles either during the restricted hours, or at any other time.

He contended that two way cycling was safe because:

a) Relatively few motor vehicles were permitted to use the zone during the hours in question and those who held permits made limited use of them. Permit holders were subject to a 10mph speed limit enforced with a camera and were required to give priority to pedestrians. If the proposal was approved, suggesting wording changes were proposed to ensure priority was given to both pedestrians and cyclists.

b) Two-way cycling was currently permitted in a number of other Cambridge streets (inside and outside the pedestrian zone) which in places were very narrow and in which a large vehicle could not pass a cyclist coming in the opposite direction. The streets included Trinity Lane, Bridge Street and Hobson Street. His view was that the evidence indicated that two-way cycling in these streets had not given rise to significant difficulties.

c) The number of injuries and deaths resulting from cyclist/pedestrian collisions was very low and were unlikely to be significantly increased by giving approval to the proposal.

As a result, the petitioners did not believe that the courts would accept that the Council was acting unreasonably in promoting such a scheme.

In answers to questions raised he was able to confirm:

- that the survey involved both pedestrians and cyclists;
- that his organisation was committed to responsible cycling and upholding the law.

### **537. HISTORIC CENTRE PEDESTRIAN ZONE CYCLING RESTRICTION**

Following the petition presentation, and with the agreement of the Cabinet, the Chairman re-ordered the agenda to enable discussion of report 6 as the next item of business.

Cabinet received an officer report asking them to consider the decision made by the Cambridge Environment and Transport Area Joint Committee to support an experiment to allow two-way cycling in Trinity Street and St. John's Street, Cambridge between 10am and 4pm, Monday to Saturday.

Throughout previous consideration of the issue in reports to the Cambridge Environment and Transport Area Joint Committee (AJC), officers from the

County Council had consistently offered the same advice that while sympathetic to the idea of making the city centre as convenient as possible for cycle movements, any measures to allow two-way cycling in St John's Street and Trinity Street should be resisted. Previous officer opposition had been for reasons of safety and the likely adverse effect on pedestrians as well as the risk of potential litigation against the County Council if accidents were to occur between opposing cycles and motor vehicles, as a result of allowing two way cycling. Officers considered that it would be difficult to defend any claim against the County Council, given that the road widths in places did not allow for opposing movements. There was also an expectation that cyclists would avoid conflict with opposing vehicles by cycling on the footway.

It was reported that the main reason for the County Council implementing the historic centre pedestrian zone restrictions in 1992 had been to enhance the safety and convenience of pedestrians. Accepting the current proposals was expected to increase conflict between pedestrians and cyclists and would be counter to the original objective of the zone.

Cabinet and the meeting were provided with hard copies of Councillor Bowen's (local electoral division Member) submission and the main points were orally reported. Councillor Bowen supported the AJC proposals for two way cycling.

The published report recommendation asked Cabinet not to approve the experimental measures being suggested by the AJC . However, having taken note of both the results of the consultation exercise (showing general support for relaxing the current cycling restriction) and the views expressed by the petitioners and the local Member, the portfolio holder for Environment and Transport had agreed revised recommendations which were moved and seconded in her absence. These were to ask the AJC to look at alternative options as part of a cycleways programme.

The point was also made that while the Cabinet would wish to allow the AJC to make decisions, the Council could not avoid its responsibilities to Council Tax payers. In addition, concerns were expressed about any proposals that might lead to an increased incidence of cyclists mounting pavements in contravention of the Road Traffic Act.

It was resolved:

- i) Not to approve experimental measures to permit two-way cycling along Trinity Street and St John's Street at this time.
- ii) To ask the Cambridge Environment and Transport Area Joint Committee to consider:
  - a) the viability and cost of alternative experimental options including allowing cycling in the wider parts of Trinity Street and St John's Street and installing a contra-flow cycleway with cyclists walking in the narrow parts;

- b) what potential priority any alternative options should have for implementation as part of the cycleways programme; and
- c) that the final outcome of any review by the AJC should be reported back to Cabinet.

#### **538. CAMBRIDGESHIRE GUIDED BUSWAY – DELIVERY STRATEGY**

As the timely implementation of the Cambridgeshire Guided Bus (CGB) is a key element of the Structure Plan with delivery targeted for 2007, it was necessary to begin the procurement process during the current year to allow sufficient time for design and construction. The officers' report set out the alternative approaches to procurement available, and detailed why the conventional approach would not achieve the target date and other key objectives in respect of quality, value for money and cost certainty.

The intention was to provide the opportunity for potential contractors to influence the design and plan the construction, share the gain in any cost savings, while sharing the cost of any subsequent cost increases.

Target cost contracts were now the standard method used by the Highways Agency for major highways schemes with the procurement process for the CGB having been developed by procurement specialists. A two stage tender process was planned based on the European Union Restricted Procedure for Public Works Contracts.

In order for contractors to develop a target cost as part of their tenders, a reference design was required. Design work to date had been carried out by Atkins and Arup. It was reported that employing Arup to carry out reference design would provide Best Value. Details of the agreements reached with Atkins and Arup to commence reference design work and the preparation of the contract documents, were set out in the officers' report.

In respect of operations and maintenance, it was considered that routine, non routine and control elements would be more effectively provided by the private sector, while Strategy and Policy needed to remain in the control of the County Council as the system owner.

The report detailed the other surveys that would be required in order to prepare the design details. These would need to be the subject of separate contracts. The estimated cost of the work required to be undertaken over the next twelve months prior to appointing the contractor was £3 million (m) to be funded from the section 106 planning agreement for Arbury Park (£2m) and from funding from the £65m provisionally allocated to the scheme from the Department of Transport, subject to Transport and Works Order approval. Any delay to this approval would require any expenditure over £2m to be met from the Council's Integrated Block for 2005/06.

At the meeting, slight amendments to recommendations (i) and (iii) were

moved and seconded as follows:

On recommendation i) after the first word “approve” inserting the additional words “an approach to procurement based on “ then continuing with the wording as set out in the recommendation.

On recommendation iii) after the first word “approve” inserting the additional words “an approach based on” then continuing with the wording as set out in the recommendation.

These revisions to the recommendations reflected a need to avoid restricting consideration of any alternative approaches that may become desirable. The procurement process, and specifically any changes which might emerge from the Official Journal of the European Journal process, would be the subject of further reports to Cabinet, prior to commitments being entered into.

In addition, it was reported that there might be a need to make swift decisions on minor modifications to the scheme as a result of possible negotiations with objectors during the course of the current public inquiry. it was recommended that these should be via delegated powers. Cabinet was assured that more substantial changes to the scheme would still be brought back to the Cabinet for consideration.

It was resolved to:

- i) approve an approach to procurement based on the use of an early contractor involvement target cost contract with an extended defects liability period and a two stage tendering process for the construction of Cambridgeshire Guided Bus;
- ii) approve the appointment of Arup to undertake the design and Atkins to prepare contract documentation and provide client support;
- iii) approve an approach based on contracting out operations and maintenance of the guideway post-construction with control of strategy and policy retained in house;
- iv) approve undertaking topographical and geotechnical surveys required to complete detailed design;
- v) approve undertaking advanced archaeological and ecological works in accordance with the Environmental Statement;
- vi) note that Cabinet approval to appoint the Contractor for the construction of Cambridgeshire Guided Bus would be sought once tendering was complete and following the Secretary of States decision on the scheme; and

- vii) to delegate to the Director for Environment and Transport in consultation with the Cabinet Member for Environment and Transport authority to make minor amendments to the guided bus scheme as submitted in the Transport and Works Act application.

#### **539. BEACON COUNCIL APPLICATION**

This report set out the intention to apply for Beacon Council Status under the theme of Asset Management. This had followed on from discussions at officer level, where it was considered that an application under this theme stood the best chance of success.

An award of Beacon Council status confers national recognition on the efforts of local authorities. In return for national publicity and permission to use the logo, winners are required to carry out activities to promote their achievements so that other organisations can learn from their good practice.

It was resolved

To endorse the Council's intention to apply for Beacon Council status under the theme of Asset Management.

#### **540. BUDGET MONITORING 2004/05**

Cabinet received a report summarising the financial results for revenue, capital and trading units to the end of June 2004, including forecast outturn results for the current year. The report detailed the improvements in Budgetary Control Reporting as a result of the Improving Financial Management (IFM) project.

The figures showed an overall under-spend from the budget profile for June 2004, of £1.102m (or 1%) on Services (excluding Education Self Managing Institutions (SMIs). An estimated total forecast outturn overspend of £498,000 was expected at year-end. Forecast overspends were projected for Education, Libraries and Heritage (£111,000 forecast), Policy (£162,000) and Social Services (£225,000).

In respect of Children's Services and the projected overspend due to the new packages of care provided since the beginning of the year, Cabinet's attention was drawn to the increasing cost and complexity surrounding childcare packages. It was noted that the Council was required to provide the packages and that more children were eligible for them compared with those no longer requiring such assistance.

It was resolved:

To note the forecast outturn for the end of the year 2004-05.

#### **541. DELEGATIONS FROM CABINET TO CABINET MEMBERS/OFFICERS**

Cabinet received a progress report on matters delegated to individual Cabinet members or to officers on behalf of the Cabinet.

It was resolved:

To note the delegations from Cabinet to individual Cabinet Members or to officers to make decisions/take actions on behalf of the Cabinet, which have been, or are still to be discharged.

#### **542. CABINET AGENDA PLAN**

It was resolved:

To note the agenda for the 28<sup>th</sup> September subject to the deletion of the report set out as item 7 titled “Waste Management Private Finance Initiative – Official Journal European Union Notice and procurement Arrangements” which would be rescheduled for a future cycle.

#### **543. EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved

That under section 100 (a) 4 of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following reports on the grounds that they were likely to involve the disclosure of exempt information under paragraph 4 of schedule 12a of the Local Government Act 1972 by virtue of:

- the report relating to any particular applicant for, or recipient of any service provided by the authority.

#### **544. COMPLAINT TO THE LOCAL GOVERNMENT OMBUDSMAN**

Cabinet received a report detailing the outcome of an investigation by the Ombudsman and the subsequent published report that made recommendations for compensation having ruled that maladministration had occurred. The officers had agreed to pay the ex-gratia compensation payment recommended by the Ombudsman.

As a result of the reports findings, a review had been undertaken of existing policies and procedures and this had concluded that no changes to the procedures were required, as the particular problems in this specific case, resulted from existing procedures not being followed. The establishment of a new service structure and the intention to reinforce adherence to procedures, as well as identifying further training where appropriate, was expected to avoid a recurrence of the shortcomings highlighted in this particular case.

It was resolved:

To note the Ombudsman’s findings and the actions that had been taken as a consequence.

Chairman