

## **MEETING OF HIGHWAYS AND COMMUNITY INFRASTRUCTURE POLICY AND SERVICE COMMITTEE: MINUTES**

Date: Tuesday 21<sup>st</sup> February 2017

Time: 10:00am-12.15pm

Present: Councillors Butcher, Criswell, Gillick, Hunt, McGuire (Chairman), Reeve (Vice-Chairman), Rouse, Scutt and Williams

Apologies: Councillor Ashwood

### **236. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **237. MINUTES AND ACTION LOG**

The minutes of the meeting held on 17<sup>th</sup> January 2017 were confirmed as a correct record and signed by the Chairman.

It was agreed that the revised programme for Ely Archives would be emailed to the Committee. **Action required.**

The Action Log was noted.

### **238. PETITIONS**

There were no petitions.

### **239. HIGHWAY SERVICE CONTRACT 2017**

The Committee received a report on the procurement of a new Highway Services contract. Members were reminded that the long term strategic process to appoint a partner had started in April 2015. The report detailed the outcome of that process, including the Member engagement that had taken place. The Committee was being asked to note the process and to give approval to award the highways contract to the preferred bidder.

The contract had been designed so that Peterborough City Council, Hertfordshire County Council and Suffolk County Council could join the contract in future if they wished: Members were reminded that at the start of the process, there had been discussions about the feasibility of sharing a contract with neighbouring authorities so that greater savings and efficiencies were possible. At that time, no other contract was available for Cambridgeshire to join, but it was possible to open up Cambridgeshire's contract as other authorities' contracts expired. The three authorities identified above had all agreed to be named in the Highways Contract, should those authorities wish to have further discussions about joining the County

Council contract in the future. There was no expectation that this would happen, or assumptions on how it would work in practice.

There was a discussion on the impact of the devolution process and the Combined Authority. It was clarified that Cambridgeshire County Council would continue to be the highways authority under the Combined Authority arrangements for highway maintenance and it was expected that the County Council would be leading on most of the Cambridgeshire work from the Combined Authority. Officers clarified that the Highways contract was one option in a suite of options, which also included the Eastern Highways Alliance and various call-off frameworks that the Council used. Throughout the Highway Services contract process, bidders had been made aware of potential changes, particularly in relation to devolution/the Combined Authority, in addition to fluctuations of work due to the City Deal, so these were factored in. If at some future point the County Council was no longer the highways authority, measures would need to be put in place to novate or terminate the contract. Such uncertainty was not uncommon in local government, and sometimes contracts had to be changed, but the Council had a range of long term contracts so it was not unusual, and the establishment of the Combined Authority was not a reason for this contract not to go ahead. Under the current Combined Authority plans, whilst the function for improving highways would become the responsibility of the Combined Authority, maintenance would remain within the County Council's remit.

Arising from the report:

- a Member observed that the Highways & Community Infrastructure (H&CI) Committee had approved the parameters for the new Contract, and that had been a very comprehensive process, so there was no reason why the preferred bidder should not be appointed at the end of the process;
- a Member queried the statement "*The length of contract is initially for 10 years, this can be reduced or extended up to 15 years*". Officers clarified that five years could be added to the length of the contract. Whilst previously Highways contracts had had break clauses after five years, there was no specific break clause. Instead, there would be mechanisms for measuring performance against a series of criteria, and if the partner was not performing, the contract – as a whole or individual elements – could be reduced or terminated. Officers stressed that the whole contract was based on a long term partnership, and the advantages that relationship brings. Members were reassured that safeguards were in place, and whilst there were no specific break clauses, there were options;
- officers confirmed that there was a review process for the lifetime of the contract. Robust contract management would be ongoing, and communications channels kept open, with the necessary checks and balances in place. It was confirmed that H&CI Committee would be regularly updated. **Action required;**
- Members noted that the Strategic and Key Performance indicators used to manage the contract would include the Highway Infrastructure Asset Management Plan (HIAMP) and any other service standards and policies which were current or which emerged during the lifetime of the contract. In

terms of alignment with HIAMP, this had not been done yet due to timescales, but would be undertaken this year;

- a Member asked what the position would be in a few years if the preferred contractor was based within the EU but outside of the UK, i.e. in relation to Brexit and tariff negotiations. Officers advised that this was unlikely to be an issue, as the Legal and Contract Procurement teams had been involved throughout the process, but officers would provide an answer to this question by email to reassure Members. **Action required.**

It was resolved, by a majority, to:

- a) note the procurement process utilised in connection with this tender;
- b) approve the award of the Highway Services Contract 2017 to the preferred bidder.

## **240. FINANCE AND PERFORMANCE REPORT**

The Committee received a report setting out financial and performance information for Economy, Transport and Environment (ETE) as at the end of December 2016. Officers advised that there were no issues of note, or significant changes relating to the revenue or capital budgets.

Arising from the report:

- a Member highlighted the concerning spike in road casualties, adding that a report would be considered by the Road Safety Partnership in three weeks' time. Officers advised that this was a dynamic picture and there would always be fluctuations, but this issue was being investigated, and the outcome would be brought back to Committee;
- noting the gap between Fenland and the other areas of the county with regard to the condition of classified roads, a Member asked what was being done to bring Fen roads up to the same standard as the rest of the county. Officers advised that there was further detail on planned actions, including a bid to the DfT for an additional £5M funding for Fen roads. Provisional funding had also been set aside, if that bid was unsuccessful. In addition, innovative treatments were being trialled on Fen roads, using lighter compounds, to make the road repairs last longer;
- the Chairman, speaking as a Local Member, commented that he was pleased to see the Yaxley to Farcet cycleway being progressed, despite some issues with communications.

It was resolved unanimously to:

- 1) review, note and comment on the report.

## **241. HIGHWAYS INFRASTRUCTURE ASSETS MANAGEMENT PLAN 2017/18**

The Committee received a report on changes to the County Council's Highway Asset Management Plan.

Members noted that many of the proposed updates to the highway asset management documents reflected the progress that had been made towards placing the Authority in the top tier (Band 3) of those assessed for Incentive Funding. It was anticipated that the Authority would submit an assessment that placed it within Band 3 for 2017-18, ensuring that maximum capital funding would be provided to the Council from the Incentive Fund for that year. In addition, many of the changes reflected the new "Well Managed Highway Infrastructure" national Code of Practice, which was published in October 2016. Other changes included a new Appendix 8, the introduction of a new policy on "Adoption of Non-Motorised User (NMU) Routes", which would help the Council manage the revenue implications of managing new infrastructure, including more qualitative criteria which would also be considered alongside quantitative criteria when evaluating schemes. Members' attention was also drawn to the policy on Mobile Catering, which would form part of the HIAMP, but had been circulated to Members separately.

The Chairman invited Councillor Bailey, who had asked to speak on the new Tree Policy, to address the Committee.

Councillor Bailey explained that this issue had initially arisen following the removal of some trees in Ely, when it transpired that no replacement trees could be planted, even if funded by a third party, due to insurance liability and the need for long term maintenance commitment. This was a general principle with regard to all trees near roads. Over the past eighteen months, Councillor Bailey had challenged and sought to change this policy, through Spokes and numerous discussions and a total of 123 emails with Members and lead officers, including the Chief Executive. What she wanted to achieve was the Council taking a proactive approach, seeking third parties' payment for trees, but to get away from a bureaucratic approach with regards to insurance, etc. She was pleased with the new Tree Policy, but felt strongly that it should not have taken so long, as there had been resistance at every turn, to what was basically just a tree replacement policy. Despite her efforts, not one tree had yet been replaced. She asked Members and the Committee to support and embrace the policy, and receive reports in future so that they could monitor its implementation.

In response to Member questions, Councillor Bailey:

- confirmed that she had raised this issue twice at Spokes;
- confirmed that there was no additional burden to the Council, other than the cost of a replacement tree.

The Executive Director said he understood Councillor Bailey's frustrations, and advised that this issue had been discussed at both H&CI and Economy & Environment (E&E) Spokes, as well as at E&E Committee, and had been the subject of discussions between him and the Chief Executive. There were a complex range of issues involved in terms of protecting the highway network. A Tree Policy had

been developed which better met the needs of communities, but he was sorry it had taken so long.

A Member commented that there appeared to essentially be three issues (i) the cost of the replacement trees, which was minimal (ii) the insurance implications, which had been resolved, and there would be no further burden to partners (iii) maintenance issues. The latter was his greatest concern, as trees could have a negative impact on highways, and be expensive in terms of damage to the highway caused by roots, etc, and the costs of tree maintenance. He asked if the financial implications of the Tree Policy had been established. Officers agreed that whenever trees were being replaced, they were very mindful of the proximity to infrastructure e.g. utilities and pipes, the types of trees/depth of roots, etc. It was noted that footways could be adversely affected, which was a particular issue for wheelchair users. Considerations such as biodiversity also needed to be taken into account.

A number of Members commented that trees could have an adverse impact on roads, especially Fen roads, but the opposite point was also put forward i.e. that a lack of trees could lead to the instability of fen soils. Officers commented that the Council's original approach of not replacing trees was intended to minimise the cost and potential for damage to roads. Members suggested that a common sense approach, a balance between amenity and ecological consideration against the cost of managing the highways, was the preferred way forward.

The Committee recorded its thanks to Councillor Bailey for pursuing this matter with persistence and vigour, and to officers who had worked on the Tree Policy.

In discussion on the HIAMP:

- a Member noted that weed-killer was applied to “urban kerbed areas only”, and asked how those areas were defined. He also asked about Highways Standards and Enforcement, and whilst noting that this covered banners on highway, signs on lampposts, etc, there was no mention about signs on verges and public highways, which appeared to be proliferating in many communities. Officers advised that there was an enforcement officer, and issues should be reported to him. Officers also agreed to clarify on the definition of urban kerbed areas. **Action required.**
- a Member sought reassurance that the new Tree Policy would not impact on the City Deal plans to replace the trees on Milton Road with mature trees. Officers reassured Members that the Chairman of City Deal Board has confirmed that point, and that was the basis on which the scheme was being designed;
- there was a discussion on the proliferation of ‘A’ boards, the risks they presented and the alternatives. Officers advised that they were working with Cambridge City Council colleagues on developing an approach to ‘A’ boards, which would help inform what was done across the county;
- a Member thanked officers for the policy on mobile speed indicators, as there was an increasing appetite for these;

- it was confirmed that pavements were treated as part of the highway, if they were adopted;
- a Member asked for a report on how many trees had been removed and replaced on a regular basis. **Action required;**
- a Member asked if officers produced a list of footways that needed resurfacing, as this was an issue that Local Members could assist with; she also asked if slurry surfacing was an effective way of dealing with bituminised footways. Officers advised that local highways officers pulled together the list of footways, and they were in contact with the Local Members. Slurry surfacing had proved to be a good way of getting a decent surface at a low price, for footways without significant damage;
- in response to a Member question, officers advised that Cambridgeshire and Peterborough highways authorities had been granted Band 3 status as a result of the establishment of the Combined Authority, and this was good news for both authorities. However, it had to be demonstrated that the authorities continued to maintain Band 3 status, they could not rest on their laurels.

On a general point, the Executive Director commented that achieving a balance in policies between a more laissez faire approach, which could result in complaints that the Council was not taking appropriate action, and a more robust approach, which could generate complaints that the Council was being too heavy-handed, was very difficult indeed. Similarly, whilst there was an appetite for common sense approaches to be set out in policies, there were always numerous requests for exceptions to be made to these policies.

It was resolved unanimously to:

- a. approve the latest version of the Highway Asset Management Policy, attached as appendix 1 to the report;
- b. approve the latest version of the Highway Asset Management Strategy, attached as appendix 2 to the report;
- c. approve the latest version of the Highway Infrastructure Asset Management Plan (HIAMP), attached at appendix 3 to the report, including the additional policy on Mobile Catering, circulated separately.

## **242. TRANSPORT DELIVERY PLAN 2017/18 TO 2019/20**

The Committee considered the County Council's three year Transport Delivery Plan for the period 2017-18 to 2019-20.

With reference to the Challenge Fund Bid mentioned earlier in the meeting, officers advised that in January, the DfT (Department for Transport) invited highways authorities to submit bids for schemes to the Highway Maintenance Challenge Fund. It was proposed that the County Council submit a joint bid with Peterborough City

Council (PCC), specifically to address drought damage to Fen roads, and this bid would be predicated on undertaking deeper treatments to the affected roads. The bid would require around 20% match funding, and the County Council's match funding would be sourced from prudential borrowing already allocated for highways purposes. The deadline for bids to this Fund was 28/02/17.

A Member asked what the rationale was for partnering with PCC on this bid, and whether more funding could be secured through separate bids. Officers advised that the guidance they had received from the DfT was minimal, so the bid was being based on the guidance provided for the previous tranche of funding, and it was believed that a joint bid was more likely to be successful. The allocation of the funding between authorities would be clearly set out. Members also queried whether PCC were willing to contribute 20% match funding for their part of the funding, and whether the bid had been through their democratic processes. Officers outlined the discussions they had had with PCC, and agreed to follow up on these points.

**Action required.** A Member commented that Peterborough, as a unitary City authority, with many trunk routes maintained centrally, was very different in nature to Cambridgeshire, a largely rural county. Moreover, Peterborough had far fewer Fen roads, and he expressed concerns that Cambridgeshire could come out of a joint funding arrangement worse off. Officers responded that the vast majority of Peterborough's roads, including the parkways, were maintained by the City Council, and the PCC area included a significant rural hinterland, with many Fen roads.

In terms of a Member steer for officers, Members agreed that they would like to progress the bid, but they wanted clarity of the PCC match funding contributions and democratic process, and that making a joint bid was in the best interest of both authorities. Subject to a satisfactory response on those issues, the Committee was happy to delegate the detail of the bid to the Executive Director in consultation with the Chairman/Vice Chairman.

A Member noted that in the Works Programme Summary, there was no funding identified for Safety Schemes in South Cambridgeshire. Officers explained that safety schemes were prioritised on accident cluster sites. Based on the data provided, funding was allocated for safety schemes through the Local Transport Plan, and the funding available was far less than from Maintenance. It was confirmed that the accident data was based only on accidents causing damage. It was noted that there would be some allocation for safety schemes in South Cambridgeshire in the 'Countywide' element. It was agreed that a Road Safety report, including the countywide breakdown of expenditure and cluster sites, would be presented to a future meeting. **Action required.**

A Member commented that his own experience of officers delivering Transport Strategy aims, especially Andy Preston, was excellent, and their pragmatic and common sense approach were a credit to the authority. Officers agreed to pass on Members' thanks to officers involved.

Officers agreed to clarify the Isle of Ely Way Safety Scheme, as the Works Programme stated that costs were £345,000 for both 2017/18 and 2018/19. **Action required.**

In response to a Member question on governance arrangements, it was confirmed that the County Council had delegated authority on certain new capital schemes to

the City Deal Board e.g. the Milton Road scheme. However, maintenance works within Cambridge were still within the remit of the H&CI Committee.

It was resolved unanimously to:

- a) approve the publication of the Transport Delivery Plan 2017/18 to 2019/20 as set out in Appendix A to the report;
- b) agree that the authority submits a bid for Challenge Fund monies, based upon repairing drought damaged roads within the fen soils area, and that any requisite match funding is provided via prudential borrowing, in accordance with paragraph 2.7 of the report;
- c) delegate to the Executive Director (Economy, Transport & Environment) in consultation with the Committee Chairman and Vice-Chairman to agree the finalised wording of the Challenge Fund Bid.

## **243. UPDATE ON CHANGES TO THE ANGLIA LEVEL CROSSING REDUCTION STRATEGY – CAMBRIDGESHIRE COUNTY COUNCIL FORMAL RESPONSE**

The Committee received a report on the County Council's formal response to updated proposals for seven of Network Rail's level crossing proposals, as part the Anglia Level Crossing Reduction Strategy.

Members were reminded that a report had been presented to the December meeting of the Committee, but on the day of the meeting, Network Rail had issued changes to seven of the proposals as a 'public information update', and withdrawn one scheme entirely (C19 Wicken Road (FP106 Soham)). A further report on the seven schemes had been presented to the January meeting, but due to outstanding issues, particularly relating to crossing C20 Leonards (FP101 Soham), the item was deferred so that alternative proposals could be explored further. Discussions had since taken place with regard to crossing C20, and the findings and recommendations were set out in the report. The recommendation also gave an alternative route, should the Secretary of State at a Public Enquiry decide in favour of Network Rail's proposal.

Since the publication of the Committee report, four other issues had arisen:

- (i) The removal of C06 Barrington Road, Foxton, by Network Rail. This was welcomed by officers, the Local Member and other stakeholders, and an email thanking those involved from the Local Member, Councillor van de Ven, was circulated to the Committee. Members welcomed Councillor van de Ven's comments and thanked officers for their hard work.
- (ii) With regard to C26 Poplar Drove and C27 Willow Row Drove, both in Littleport, the Trail Riders Fellowship had confirmed that they still objected to the proposal on the grounds that they do not want to lose the amenity that the byway affords motorcyclists. Officers were concerned that there was potential for a legal dispute over the status of Poplar Drove. A solution was outlined, whereby a new linking byway be constructed rather than a bridleway. More recently, the Chairman had received a letter from a resident expressing



concerns on the same issue. With regard to the legal status of Poplar Drove, Members felt that it would be preferable to establish ownership of this road i.e. that it was a public road, and any agreement arrived at should not accede to Network Rail any right or ownership of road. The Chairman asked officers to respond to the letter he had received. **Action required.** It was confirmed that there had been no comment on this issue from the Local Member.

- (iii) Officers be authorised to seek commuted sums to offset the additional maintenance burden on the Council.
- (iv) Network Rail's formal public representation period was scheduled for April-May, which coincided with the Council's purdah and election period. It was suggested that authority to make a holding objection on behalf of the Committee at that time be delegated to the Executive Director, in consultation with the Chairman/Vice Chairman, pending full endorsement by the Committee at its subsequent meeting.

A number of Members expressed their thanks to officers for their excellent and diligent work in coming to a solution for the C20 (Soham) crossing, which had caused a lot of anxiety locally, and had been dealt with in a very professional, open and transparent way, embracing local concerns.

It was clarified that Network Rail would pick up any costs associated with level crossing closures and associated works.

It was resolved unanimously to:

- a) approve the County Council's proposed response to Network Rail's proposals with regard to C09 Second Drove and C24 Cross Keys, Ely, and C26 Poplar Drove and C27 Willow Row Drove Littleport in accordance with the recommendations at 2.5-2.6 of the report, specifically requesting a byway rather than bridleway in relation to C26/27;
- b) note the withdrawal of the Network Rail proposal for crossing C06 Barrington Road, Foxton, and request that Network Rail works with the County Council and City Deal on the long term solution for the whole junction (section 2.8 of the report);
- c) (i) approve the recommendation to object to proposal C08 Ely North as it stands, and  
(ii) accept the proposed diversion if an unobstructed width of 2 metres can be achieved throughout the length of the path, and retain the dead-end eastern section (extent to be agreed through local consultation) (section 2.11-2.13 of the report);
- d) approve the recommendation to object to proposal C20 Leonards, FP101 Soham on the basis of the grounds set out at sections 2.14-2.15 of the report, and, should the Secretary of State allow the proposal, to offer an alternative solution that would make the proposal more acceptable to the County Council and stakeholders;

- e) note that concerns regarding the lack of consultation over ecological interests have now been mitigated to the satisfaction of the Ecology Officer;
- f) authorise officers to pursue the payment of commuted sums by Network Rail to the Authority for the future maintenance of new infrastructure in accordance with relevant legislation, and to seek the opportunity to inspect new infrastructure prior to it coming into operation;
- g) delegate to the Executive Director in consultation with the Chairman/Vice-Chairman, to make a holding objection following Network Rail's application for the Transport & Works Act Order, in the forthcoming Network Rail formal consultation, due to likely timescales, in line with the steer given by Committee Members at Highways & Community Infrastructure Committee meetings, pending full endorsement by Committee.

#### **244. COMMITTEE AGENDA PLAN AND APPOINTMENTS TO OUTSIDE BODIES**

Members reviewed the Agenda Plan. It was noted that a "Community Resilience Update" would be presented to the March meeting. This was a report that was being presented to both H&CI and the Children & Young People Committee, and related to a report being presented to the March meeting of the General Purposes Committee.

It was noted that the report on New Privately Funded Highways Improvement Process, which had not been scheduled, was not a review of the current Local Highways Improvement scheme, but was about ensuring that scheme costs were fully covered, and the process behind that i.e. clarifying exactly what scheme costs were involved. There were currently no plans to review the procedures or scoring mechanisms for the LHI schemes.

It was agreed that an update on progress against current LHI schemes, i.e. those schemes agreed last year, would be presented to the Committee at a future date.

##### **Action required.**

With regard to Appointments to Outside Bodies, the Chairman asked Members to agree to a permanent delegation to the Executive Director, in consultation with Spokes, to appoint to those bodies within the remit of the Committee, between meetings. The need for this delegation had been highlighted in the recent LHI Panel round, where there were no substitutes and imbalances of Members were not ideal. It was confirmed that the delegation could be agreed via a simple email request to Spokes.

It was resolved to:

- a) note the Agenda Plan, including the updates provided orally at the meeting;
- b) delegate, on a permanent basis between meetings, the appointment of representatives to any outstanding outside bodies, groups, panels and partnership liaison and advisory groups, within the remit of the Highway & Community Infrastructure (H&CI) Committee, to the Executive Director (ETE) in consultation with H&CI Spokes.

**Chairman**