

HIGHWAYS AND COMMUNITY INFRASTRUCTURE COMMITTEE: MINUTES

Date: Tuesday 28th April 2015

Time: 10:00am-11.35am

Present: Councillors Ashwood, Butcher, Connor, Criswell, Gillick, Hickford (Chairman), Hunt, Kavanagh, Palmer, Reeve (Vice-Chairman), Rouse, Taylor, Tew, van de Ven and Walsh

In attendance: Councillor Harford

Apologies: Councillors Mason and Frost

96. DECLARATIONS OF INTEREST

There were no declarations of interest.

97. MINUTES – 17th MARCH 2015

The minutes of the meeting held on 17th March 2015 were confirmed as a correct record and signed by the Chairman.

98. PETITION

The Committee considered a 32 signature petition requesting that the residents' parking bays on Chesterton Road and Albert Street in Cambridge be extended to include Sundays (currently Monday to Saturday).

The Pay & Display bays on Chesterton Road had recently been extended to Sundays, and the residents that had signed the petition were concerned that people wishing to avoid paying for parking were parking for free in residents' bays, making it more difficult for residents to find a parking space. The petitioners also requested that the hours be extended from 9am to 6pm to 9am to 8pm, as residents arriving home after 6pm were finding it difficult to find a parking space in the residents' bays as these were being used by evening visitors.

The Committee noted the petition and the Chairman advised the Committee that the petitioners would receive a full written response within ten working days of the meeting.

99. HIGHWAY SERVICES REVIEW

The Committee considered a report which sought Committee approval to formally start the procurement of the Highway Services Contract with a long-term strategic partner.

Members were reminded that the current contract had been procured when the financial climate was very different, and that the new contract needed to be sustainable in the face of tough budget challenges. Savings needed to be met not only through the competitive tendering process, but also by adopting a more efficient service delivery model. Short, medium and longer term options had been rigorously evaluated, and it had been concluded that the best option would be an arrangement with a longer-term strategic partner.

The report also sought Committee Members' views on their ongoing involvement with the Highways Service Contract procurement. In discussion, it was agreed that the preferred option for Member involvement would be regular reports to Spokes, plus attendance by the Committee Chairman, or the Vice-Chairman in his absence.

In response to Member questions, officers advised:

- that 'long-term' in the context of this contract probably meant in excess of seven years, and that some authorities had opted for contracts longer than that;
- that whilst *safety* and *efficient and safe network* were listed as 'secondary' priorities, reassurance was given that safety was taken extremely seriously;
- that an improved version of Appendix 1 "Commissioning Cycle for Highway Services" could be circulated to Members **ACTION: Tom Blackburne-Maze**;
- that robust accountability would be key to the contract, not only through Member involvement but also rigorous legal oversight of the process;
- with regard to the capacity of other partners to join, this was being considered, but recent changes in EU procurement legislation presented some potential challenges to that option. Early discussions had taken place with other authorities at officer level, but had not been through those authorities' democratic processes;
- that consideration of break clauses would form part of the next stage of the process;
- that many potential providers had expressed an interest in the contract. The long list was likely to comprise around eight potential contractors, narrowing down to three or four. A small amount of consultancy time would be required to assess the bids, although there would be some pressure on key officers from various ETE teams in the detailed evaluation of the potential contractors, plus colleagues from LGSS Law and LGSS Finance;
- that third party works were supervised and monitored by Highways colleagues;
- on the relevant legislation in the event that the main contractor sub-contracts or novates the contract to another company, with the Council's agreement.

A Member pointed out that more Town and Parish Councils were looking to undertake some work themselves e.g. through small local businesses rather than the County Council, and it would be undesirable to sign up to a long term contract that would prevent this. It was confirmed that Town and Parish Councils could use the new contract, and that the contractor would be encouraged to use local businesses wherever possible. It was clarified that to undertake work on the public highways, contractors had to be on an approved list.

Arising from the report, individual Members:

- commented that there needed to be scope in the contract to withhold payments if the contractor was not delivering, as failure to deliver impacted negatively on the reputation of both the Council and Councillors;
- thanked officers for early involvement in this procurement process;
- expressed a distrust of long term contracts which goes against free trade. Observing that Parish and Town Councils would be having more funding, notably through CIL, a number of Members stressed the role of localism, and suggested that having one large contract was potentially restrictive in terms of the capacity to employ local small and medium sized enterprises, especially for small jobs;
- pointed out that there were no Parish or Town Councils in Cambridge City, and there was therefore no scope to raise a precept. It was suggested that the Cambridge Joint Area Committee could raise this issue with the City Council.

The following additional recommendation to those set out in the report was proposed by Councillor Criswell and seconded by Councillor Tew:

To agree Member involvement through (i) attendance by the Chairman (or Vice Chairman in his absence) at the project board (ii) inclusion of the Highway Services Review as a standing item at Highways & Community Infrastructure Committee Spokes.

On being put to the vote, the amendment was carried.

Committee Members indicated that whilst they were happy to approve the start of the procurement process, they wanted to see more opportunities for using local companies, especially by Parish and Town Councils, and they asked the Committee Chairman to bear this focus in mind in the deliberations of the Project Board, and officers to consider further for future contracts.

It was resolved unanimously to:

1. approve the formal start of procurement for the Highways Services Contract in the form of a long-term strategic partner as set out in Section 3 of the report;
2. agree Member involvement through (i) attendance by the Chairman (or Vice Chairman in his absence) at the project board (ii) inclusion of the Highway Services Review as a standing item at Highways & Community Infrastructure Committee Spokes.

100. EASTERN HIGHWAYS FRAMEWORK 2

The Committee considered a report which sought Committee approval to formally start the procurement of a new Framework Agreement to support the delivery of the

capital programme. The existing Framework would expire in 2016 and the eastern Highways Alliance (EHA) members were keen to put in place a replacement to continue providing an efficient and effective route to market for the delivery of highways schemes. This collaboration helped secure the best available rates for the benefit of all Members. Cambridgeshire County Council was leading the procurement on behalf of the EHA. To reflect the broad range of work that was anticipated, and to obtain a mixture of providers that have the capacity and capability to deliver a range of schemes, the procurement would have two Lots, a smaller Lot for schemes under £1.5M, and a Lot for larger schemes (£1M-£20M)

Arising from the report, Members:

- asked what scope there was to involve small to medium sized local contractors. Officers advised that a recent *industry day* had been held to raise the profile of the procurement, and officers had also presented to a conference attended by smaller contractors. Officers suggested that splitting the procurement into two Lots should encourage smaller bidders;
- noting the proposed limits of the two Lots, suggested that the smaller Lot should be even smaller e.g. less than £500,000;
- discussed the capacity and capability of smaller contractors to be geographically flexible across the Eastern region;
- discussed the capacity to include other authorities in the Alliance: although there was no necessity to strictly adhere to the geography of the Eastern region, authorities adjacent to the area were usually involved in their geographic equivalent arrangement e.g. East Midlands. However, changing the partnership at this stage could be challenging;
- noted the need to reduce the client side costs of procurement i.e. overseeing delivery – one problem with using a range of smaller companies, rather than one large company, was that it would increase client side costs. Members acknowledged this point but suggested that the contract costs from smaller enterprises could negate those increased client side costs and may even lead to greater savings;
- debated whether these type of contracts really brought best value for residents/Council Tax payers.

It was resolved unanimously to:

approve the formal start of procurement for the Eastern Highways Framework

101. (i) TRAFFIC REGULATION ORDER OBJECTIONS ASSOCIATED WITH WIMBLINGTON ROAD, MARCH

The Committee received a report on a proposal to reduce the speed limit on Wimblington Road from 40mph to 30mph. It was noted that the proposed scheme was a third party funding initiative which had strong local support, and as such there was no cost to the County Council. The background to the proposed scheme, and the outcome of the statutory consultation process were noted. The scheme had the support of the Local Member Councillor Clark. The only objection had been received from the Police.

A number of Members expressed strong support for the scheme, given that it seemed reasonable and had the support of both local people and the Local Member. A Member asked if there was any associated traffic calming proposed for this location. Officers explained that traffic calming measures were not warranted in this instance, due to the average speeds of vehicles currently using the road.

In response to a Member question, it was confirmed that the Police had sent a representative to the meeting where the scheme was discussed, who did not object to the scheme, but a different Police representative had objected to the Traffic Regulation Order. It was confirmed that the Police did not always object to speed limit reductions, and that it was the Committee's decision to determine the objection - there was no compulsion for the Committee to reject a scheme because the Police had objected.

It was unanimously resolved to:

- a) approve and make the Order as advertised
- b) inform the objectors accordingly

(ii) TRAFFIC REGULATION ORDER OBJECTIONS ASSOCIATED WITH SOMERSHAM ROAD, COLNE

The Committee received a report on a proposed speed reduction and traffic calming scheme in Somersham Road, Colne. The background to the proposed scheme, and the outcome of the statutory consultation process were noted. The proposed scheme reflected the feedback from local residents, and had the support of the Local Member Councillor Criswell, who outlined the nature of the road and the accidents that occurred along it. It was confirmed that no objections had been received from the Police. In response to a Member's query, it was confirmed that drivers would have plenty of warning of the traffic calming measures, including appropriate warning signs and roadmarkings.

It was resolved unanimously to:

- a) approve and make the Order as advertised
- b) inform the objectors accordingly

102. ENFORCEMENT POLICY REVIEW

The Committee received a report which proposed amendments to the County Council's Enforcement Policy. These were mainly to comply with the new Regulator's Code which had recently come into force.

It was resolved unanimously to:

- approve the amendments to the existing Enforcement Policy.

103. AGE RESTRICTED GOODS ENFORCEMENT POLICY REVIEW

The Committee received a report proposing amendments to the Cambridgeshire County Council Age Restricted Goods Enforcement Policy. This policy, and any actions taken under it, was subject to the County Council's overarching Enforcement Policy. The revised policy gave greater clarity on the approach the Council took in ensuring compliance with the sale of age restricted goods.

In response to a Member question, it was confirmed that whilst the District authorities granted licences to businesses, it was the responsibility of the County Council to ensure that Age Restricted Goods were not sold to those underage from *off-licences* (i.e. shops and supermarkets, as opposed to *on-licences* where goods were consumed on the premises). In cases where there was evidence that a retailer was regularly selling to those underage, formal legal proceedings were taken by the County Council. It was confirmed that there had been no intelligence lately to suggest any issue with underage consumption or use of age restricted products.

It was resolved unanimously to:

approve the amendments to the Age Restricted Goods Enforcement Policy.

104. ECONOMY, TRANSPORT & ENVIRONMENT (ETE) RISK REGISTER UPDATE

The Committee received an update on the Risk Register for Economy, Transport & Environment. In contrast to the report considered by the Committee in September 2014, this report only included those areas within the remit of the Highways & Community Infrastructure Committee i.e. it excluded those covered by the Economy & Environment Committee.

In response to a Member question, it was clarified that if a Parish Council or group of individuals carried out a third party scheme, which met normal highway requirements and was therefore adopted by the County Council, any risk would rest with the County Council. However, if the scheme did not meet normal highway requirements, the Parish Council (or group of individuals) would be required to take out appropriate indemnity cover.

It was resolved unanimously to:

note the position in respect of Highways and Infrastructure Risk Management.

105. SERVICE COMMITTEE AGENDA PLAN AND APPOINTMENTS

The Committee was asked to review its agenda plan. The Committee noted the addition of the review of the Local Highway Improvement Working Group proposals to the agenda plan.

It was resolved unanimously to note the agenda plan, including the updates reported orally at the meeting.