

HIGHWAYS AND TRANSPORT COMMITTEE: MINUTES

Date: 19 January 2021

Time: 10.00am to 12.10pm

Present: Councillors I Bates (Chairman), D Connor, R Fuller, L Harford, M Howell (Vice-Chairman), N Kavanagh, S King, I Manning and A Taylor

61. Apologies for absence and Declarations of Interest

Apologies were presented on behalf of Councillor Giles.

There were no declarations of interest.

62. Minutes – 1st December 2020

The minutes of the 1st December 2020 were agreed.

With regard to Item 54, there was a query as to whether Camcycle had responded regarding the A14 overspend. The Clerk advised that they had not, but agreed to follow this up and provide a response to the next meeting. **Action required.**

63. Highways and Transport Committee Action Log

The Committee noted the Action Log.

The following points were raised:

Item 54 – it was confirmed that the Executive Director had emailed a response to the query on the management improvements and changes that were taking place with respect to project management. It was agreed that this would be re-sent to all Committee Members. **Action required.**

A Member commented that it had previously been agreed that there would be reports back to the Committee on progress with the Wisbech Access Study. He asked if the Clerk could check previous minutes. Officers confirmed that they were happy to bring a report back. **Action required.**

Item 146b – this related to concerns raised regarding the perceived inequitable nature of the LHI bid process. It was noted that a Working Group was appointed at the December 2020 Committee, and there would be a report presented on the findings of the LHI Working Group at the March 2021 Committee meeting. Officers advised that two meetings of the Working Group had already taken place, and further meetings were scheduled. It was agreed that the Action Log would be amended to reflect this.

Item 30 - Update cycling map of Wisbech. Members noted that the Action Log suggested that alternative means of funding had been identified. Officers confirmed that they were looking at ways in which to bring this forward. Action required.

Item 30 – Active travel projects – the report had suggested that proposals could be received until the end of January. A Member queried the process for including and appraising proposals, how schemes were selected, and the timings of the consultations, decisions and implementation. He also asked what happened in situations where there was more than one scheme for an area, i.e. whether there was any assessment based on impact? The Chairman commented that these queries could best be addressed through a briefing note to all Members, covering issues relating to criteria, timing and finances. Action required: RL/GH. It was confirmed that proposals could be received until the end of January.

64. Petitions and Public Questions

There were none.

65. Joint Professional Services Framework

Members considered a report on developments relating to procurement of the Joint Professional Services Framework since November 2020.

The Chairman advised that the Constitution stated that a decision made at a Committee meeting in the previous six months could not be changed unless a motion was signed by at least half the Members of the relevant Committee. As one of the recommendations was to rescind the decision made at the November Committee, a motion signed by Councillors Bates, Connor, Fuller, Harford, Howell and King had been provided to the clerk, requesting that this decision be reconsidered.

The Chairman reminded Members that Appendices A and B contained commercially sensitive information, and he asked Members to refrain from discussing the detail of those appendices whilst the meeting was in public session.

Presenting the report, officers reminded Members that at the November Committee, the two top scoring tenders had been awarded the contract, subject to the statutory ten day standstill period. During the standstill period, challenges, enquiries and requests for disclosure regarding the price submitted by one tenderer from tenders ranked three and four revealed that all of the tenderers may not have all interpreted the price element with regard to the staff category in the same manner. This indicated that the procurement documents relating to Price may not have been sufficiently clear, precise and unequivocal, and as a result all tenderers may not have formulated their tenders on Price on a uniform basis. The standstill period was therefore extended to 29th January 2021, to consider that possibility further, and instruct external legal procurement lawyers to undertake a review, working closely with the project team.

Given the significant uncertainties around the Price submissions, it was proposed to rescind the decision made at Committee in November, and invite tenderers one to six to

resubmit their tenders, on Price only, since the tenders on Quality and Price were structurally separate and the Quality element was not in doubt. Scores would then be evaluated and re-ranked. Due to the delays in the process to date, and the elections scheduled for May 2021, it was proposed to delegate authority to award the contracts to the Executive Director of Place and Economy.

Arising from the report:

One Member expressed sympathy with officers, commenting that this was clearly a stressful and complex process. With regard to the process, he asked if they were confident that there was no scope for further legal challenge. He also queried the zero carbon ambitions of the organisations tendering, and whether the idea of abandoning the procurement process had been considered. Officers confirmed that net zero carbon was already in the quality submission and that element would be retained. It was confirmed that abandonment of the whole procurement had been considered as one of many options, and the detail was covered in the confidential appendices. The proposal put forward by officers was considered to be the optimal solution.

A Member queried whether having a rerun on Price but not Quality was opening the whole process up to a further challenge, and whether consideration had been given to running both parts of the process again. It was confirmed that the re-tender was on Price only, and it had been concluded that this was the best approach. It was reiterated that the Quality submission was fully independent to the Price submission.

A Member commented that it was clear something has gone awry, and that legal advisors felt that the Council had left itself open to challenge. He asked what had been learned that could be applied to future projects. Officers reassured the Committee that this would be picked up, and a series of actions were being taken on how project assurance and potential issues could be escalated. There was a wider application of the lessons learned, and Members were assured that these would be considered in future projects. Members were encouraged to contact the Executive Director if they had any questions.

Councillor Manning commented that this was a confidence issue from the public perspective, especially as the public could not access the commercially sensitive appendices. For this reason he was proposing the following amendment, which would provide additional support for officers and oversight of the process:

Add to recommendation in (e) to "...after allowing the Committee Chairman, Vice-Chairman and Opposition Lead Members 24 hours to comment"

Councillor Manning also proposed an additional recommendation: "f) In light of the issues experienced, investigate with LGSS getting specialist in house legal support for contract negotiations."

The proposed amendments were seconded by Councillor Taylor.

Debating the proposed amendments, a Member commented that the first amendment was effectively covered in paragraph 2.7 of the report, which detailed why the decision

was being delegated to the Executive Director, and he felt that it was right that Members were not involved in that part of the contract.

Whilst understanding the rationale behind the proposed additional recommendation, a number of Members commented that this was premature, and it was suggested that Councillor Manning withdrew both amendments. Whilst acknowledging the comments made, Councillor Manning declined to withdraw the amendments, and asked for his proposed amendments to go to the vote, as he felt it was an issue of public confidence.

On being put to the vote, the amendments fell.

It was resolved, by a majority, to:

- a) rescind the Decision of the committee dated 10 November 2020 which was:
 - b) Approve the award of the framework contracts as set out in the confidential Appendix A (The Committee is asked to provide Approval to Award to the two top scoring bidders one and two, and enter into a contract with each company at the end of the standstill period)*
- b) retain the completed Quality evaluation and scoring of tenderers one to six;
- c) review and reissue to tenderers one to six some of the procurement documents relating to Price in order to produce greater clarity and transparency in order to ensure that all tenderers interpret the Staff Categories Guidance and Requirements and all other reissued Guidance and Requirements as to Price in a uniform way when formulating their new Price tender submissions
- d) rewind the tender process for Price only so that tenderers one to six will be given the opportunity to re-submit their tenders of Price only
- e) following evaluation of the resubmitted tenders on Price only delegate authority to the Executive Director of Place and Economy to Award Contracts to the two highest scoring tenderers identified after combining the existing scores on Quality with the new scores received on Price

66. Cambridgeshire County Council Commuted Sum Proposals

The Committee received a report proposing a commuted sums policy to enable maintenance costs for new highway infrastructure to be covered through financial support from projects undertaken by developers.

Officers explained that commuted sums were typically collected through agreements with developers arising from Section 106 obligations or planning consents. These works were usually undertaken by developers under Sections 38 and/or 278 of the

Highways Act 1980. This funding went towards highways maintenance. Currently, the County Council does not collect contributions for the ongoing maintenance costs of new infrastructure, unless 'non-standard' items were included, for example construction which utilised specialist materials or exceptional items. This approach was inconsistent with the approach of adjacent authorities and national practices. With increasing pressures on maintenance budgets going forward, it was proposed to formalise the approach in a Commuted Sums policy, in light of the pressures on the maintenance budgets. Commuted sums would be drawn down on "standard" items e.g. carriageway widening, over a period of 40-60 years, depending on maintenance requirements.

Prior to introducing a policy, it was proposed to undertake consultation with stakeholders, including the Greater Cambridge Partnership, the Combined Authority and private developers. Delegated authority was sought to the Executive Director, Place and Economy, Committee Chairman and Vice Chairman.

Arising from the report:

- A Member asked how this would work, given the potentially infinite nature of maintenance, i.e. how was the maximum time period was calculated? Officers commented that this was one of the reasons for the consultation, to establish what would be acceptable;
- A Member commented that it would be useful to see specific reference to climate change/net zero carbon. Officers reassured Members that this was a key issue for the Council and would be included;
- One Member suggested that this would be an ideal case for a CUSPE policy challenge;
- A Member expressed concern about this proposal. Whilst he was less concerned about the impact on the Combined Authority and other agencies, he advised that in Fenland, local authorities struggled to secure any Section 106 payments from developers. He asked if research had been carried out on the impact, especially in the Fens, and also queried the impact on Parish Councils e.g. whether LHI schemes would be effected by this, or private finance schemes? Officers advised that the policy was aimed at larger schemes with longer term liability issues, and not smaller, Parish Council type schemes;
- Another Member had similar concerns relating to the viability of developments, and observed that this may not result in more money for local authorities, but probably more money for CCC Highways at the expense of Education, District Councils, or other local authority departments. Whilst it was unfair that Highways were not currently receiving these sums, there could be an undesirable impact elsewhere. Supporting these comments, one Member observed that whilst it was likely that the Combined Authority and GCP would respond to the consultation, she doubted whether there would be a good response from developers. Another Member observed that the key difference

between Education and Highways was that schools were a one-off acquisition, but the maintenance of Highways was an ongoing process;

- A Member welcomed the proposed policy, but acknowledged that there would be resource implications. He also asked whether it could be applied retrospectively. Officers confirmed that there would be a resource implication, and that would need to be managed carefully. It was confirmed that the policy could not be applied retrospectively.

It was agreed that there needed to be a wider member seminar on this issue when the seminar programme was reinstated. Issues such as whether contributions could vary in different parts of the county would be explored in the consultation. Whilst there was a suggestion for Members to see the final consultation at Committee prior to it being circulated, the Chairman proposed that given timescales, it would be more appropriate for the final consultation document to be circulated to Members, who could then comment accordingly. **Action required.**

It was resolved unanimously to:

- (a) approve the principle of the Council levying commuted sums on new highway schemes; and
- (b) delegate to the Executive Director – Place and Economy, in consultation with the Chair and Vice Chair of the Committee the preparation of a consultation document for commuted sums and to report the findings and a proposed policy back to Committee following that consultation.

67. Local Cycling and Walking Infrastructure Plan

The Committee considered the draft Local Cycling and Walking Infrastructure Plan.

The national Cycling and Walking Investment Strategy (CWIS) was published in 2017, setting out the government's ambition for cycling or walking being the natural choice for all short journeys in England by 2040. As part of the CWIS, the Department for Transport (DfT) encouraged local authorities to develop Local Cycling and Walking Infrastructure Plans (LCWIPs).

The approach taken in Cambridgeshire was to make the LCWIP County wide and that the plan should generate a prioritised list of cycle routes for each district. The LCWIP sets out the methodology used to select routes with the highest potential to increase the number of people cycling for short trips and how these were then prioritised. It also identified some of the Tranche 1 and 2 Emergency Active Travel Fund measures and the success of the trial measures would have implications for the long term proposals. The plan was to undertake the consultation in the spring, and report the consultation results and then present an updated LCWIP to Committee.

The Chairman and other Members congratulated the report author on producing such an impressive and comprehensive document.

Arising from the report:

- A Member queried the timescales if the funding became available, commenting that there needed to be time for Local Members and other local stakeholders to input. Officers advised that with regard to consultation and timing, this would depend on when funding became available. The list of schemes was not exhaustive, but focussed on those routes where that were well supported. Further schemes could be added, but these needed to be limited for practical purposes;
- A Member commented that there was a proliferation of wish lists for schemes – e.g. LCWIP, TIF, LHI, road safety, and various Section 106 schemes, but he appreciated that the Council had to have this document to maximise funding opportunities. He asked how the list of schemes had been developed. Officers advised that government had asked local authorities to produce LCWIPs, and to some extent it was a wish list. However, the intention was for the LCWIP to be an ongoing document, and it was important to evidence the methodology behind the routes being proposed. This list excluded those schemes where funding had already been identified;
- A Member urged officers to replace the Cambridge picture on the front of Appendix 1 with images from elsewhere in the county. Another Member supported this comment, and suggested that a montage of images from across the county would be more appropriate;
- A Member commented that it was difficult to tell where the schemes were in two of the appendices, and suggested providing more detail;
- A Member said it was important to be realistic about what could be achieved with developers. In addition, either within or alongside the LCWIP, it would be useful to have a document that could guide the Development Control team, giving advice on the provision of safer cycling routes, especially where separate cycleways were not an option;
- A Member commented that it was refreshing to see the number of projects planned and inspired by people in the market towns. He commented that this was a very well timed report, because of the special measures due to Covid-19 and the emphasis on active travel, many more people were walking and cycling. Consultation may well result in proposals for additional cycling infrastructure projects.

The Committee formally recorded its thanks to the report author, Clare Rankin.

It was resolved unanimously to:

approve public consultation on the draft Local Cycling and Walking Infrastructure Plan.

68. Utility Company Interface and Provision of Timely and Accurate Information Relating to Highway Schemes

Members considered a report which resulted from a motion put forward by Councillor Bailey in 2018 regarding the performance of UK Power Networks (UKPN). Officers explained that the motion resulted from the frequent time delays resulting from utility works on highways, which was a national problem. The current process with regard to utility works on the highways was noted.

The recommendation was that a specific meeting with government Ministers was not required at this stage, but that the Council should continue to raise the issue both locally and nationally through established channels.

A Member expressed disappointment that officers had not carried out the actions agreed by Members in supporting Councillor Bailey's motion, and commented that the issues with regard to utility works on the county's roads had not improved. Responding, officers said that the proposal set out in the report was their honest appraisal of this issue, and they did not feel that any value would be gained by a Ministerial meeting.

One Member noted that paragraph 2.9 of the report referred to discussions with BT Openreach regarding the Robin Hood signals scheme, where the team had designed out the need for further diversionary works before work had commenced on site. The initial cost estimate for these diversions was £100K, but with careful joint work this had resulted in nil costs. The Member observed that in reality, it was not nil cost to the Council, as officer resource had been utilised to achieve this.

Councillor Manning stated that it was important to have some specific actions going forward, and he therefore proposed the following amendments:

Add to the end of the first recommendation: *"Write to the relevant DfT minister asking for a timescale for the development of the mentioned 'National Underground Asset Register'"*.

Add a new recommendation: *"In future negotiations over utility works, officers should keep a log of time spent in these negotiations, in order to measure the cost to the Council."*

These amendments were seconded by Councillor Taylor.

Discussing the amendments, it was suggested that the report be deferred, and Councillor Manning agreed to withdraw his amendments on that basis. It was agreed that Members should direct any comments on this issue to officers which could then be fed into the revised report.

It was resolved unanimously to defer the report.

69. Highways England Non-Motorised User Routes

Members considered a late report on the Highways England Non-Motorised User (NMU) Routes. NMU schemes were footpaths, cycle ways and bridleways.

The Chairman had previously exercised his discretion to accept this late report on the following grounds:

Reasons for lateness: the report is late due to some changes that were needed to the assessment of schemes that could be delivered within the available timeframes. This meant that the final list of five schemes to be proposed for delivery was not certain at the time of the main publication of reports.

Reasons for urgency: the scheme delivery needs to commence in late January if the funding is to be drawn down from Highways England. The next available Committee is March and if this paper went to March Committee, the schemes would not be delivered within the Highways England specified timescales and the funding would be lost. The opening section of the report was prepared centrally and was included in the business planning reports presented to each Service Committee. The second section focused on the Committee's specific business area, including the specific business planning proposals. There were two proposals, one relating to the replacement of the mobile vehicle activated signs (MVAS), and the other was an additional domain for the Winter Maintenance Services.

Grant funding of £1.9M had been secured from Highways England to deliver Non-Motorised User (NMU) schemes as part of the A14 improvement. This needed to be complemented by match funding and £1.65M of County Council Section 106 funding. The grant from Highways England was conditional on the match funding and the Highways England funding being spent by 31st March 2021.

A range of schemes identified jointly between the County Council and Highways England had been assessed for their impact and deliverability within the timeframe for spending the Highways England funding, and approval for a programme of these "shovel ready" schemes was now sought to allow delivery within the required timeframe. Highways England expected to fund a further round of schemes, so whilst it was not possible to deliver some of the schemes identified in the "long list" at this stage, it was hoped that those not included in the current package could be progressed at a later date. It was noted that there was potential to join up some schemes so the ones listed would not be considered in isolation.

Councillors Howell and Harford were pleased to note those schemes listed in their Divisions and neighbouring Divisions. Councillor Harford sought clarification on two schemes on the long list which were not being progressed in the current financial year - Girton footpath 4 and 5, and the Dry Drayton NMU link. Officers advised that the Council had allocated funding to commence these schemes, but with the Dry Drayton scheme, the obstacle had been land acquisition: the land ask was slight, but the financial compensation being sought was excessive, and officers were keen not to set a precedent. Officers confirmed that work on Girton footpaths 4 and 5 upgrades were continuing in background, but the physical delivery could not happen this financial year, and again the issue related to land acquisitions and lease agreements, where there

were ongoing discussions. Councillor Harford praised officers for keeping her up to date as Local Member, and supported the officers' view that the Council should not acquiesce to excessive financial demands.

A Member asked for the background on how these specific schemes were originally selected. It was noted that most of the proposals had originally been put forward some years previously by Local Members with divisions adjacent to the A14. These discussions had been initiated by Highways England prior to the A14 improvement scheme commencing, and had been led by Mike Davies and the Cycle Projects Team. The "short list" of schemes proposed were those schemes that could be delivered before 31st March 2021.

With regard to the Girton to Oakington scheme, a Member asked exactly what was planned for that route, which was generally very narrow, especially through the villages. He asked whether road space would be taken in those parts of the route, and whether land acquisition would be necessary between the built-up areas of the villages. He noted that as Northstowe grew, this was an increasingly popular route for cyclists and walkers. Officers advised that the Section 106 monies for this scheme would be carried over to second phase of design, and agreed to arrange for the relevant project officer to speak to the Member on exactly what the scheme involved and how it would evolve.
Action required.

The Chairman commented that it was good to see these schemes coming forward, and he hoped that Highways England would consider a similar process for the A428 Black Cat to Caxton Gibbet upgrade, as there were many communities that would benefit from NMU schemes along that route.

It was resolved unanimously to:

- a) note the schemes that have been considered as part of this programme;
- b) approve the programme of schemes for delivery in the current financial year as set out in table 1 of the report.

70. Finance Monitoring Report – November 2020

The Committee considered a report on the financial position as at the end of November 2020.

It was noted that there was a forecast overspend of £2.8M, which was mainly due to loss of income from fees and charges due to the pandemic, predominantly on parking. This forecast excluded the government grant, but that grant would be reflected in the report considered at the next meeting.

One Member asked about the inclusion of vacancies, both within internal highways and Skanska. He asked if this could be reinstated in future reports, as it was a useful indicator of the capacity to deliver. Officers agreed to contact HR, as they were unsure if this related to a shortage of resources to enable data to be compiled, due to the

pandemic. It was confirmed that Skanska data had been provided to the Committee in the past.

It was resolved unanimously to:

(a) review and comment upon the report.

71. Highways and Transport Committee Agenda Plan and Appointments to Outside Bodies and Advisory Groups

It was resolved to note the Agenda Plan, including the following updates agreed at the meeting:

LHI Working Group Update (addition to the March 2021 agenda)
Utility Company Interface and Provision of Timely and Accurate Information Relating to Highway Schemes (deferred - addition to the March 2021 agenda)
Wisbech Access Strategy (to be scheduled)

Chairman