



**MINUTES OF THE GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY
COMMITTEE MEETING
HELD AT 7PM TUESDAY 29 AUGUST 2017
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Councillors Peach (Chairman), C Harper (Vice Chairman), K Aitken, J Bull, A Ellis, R Ferris, J A Fox, J Goodwin, D King, N Sandford, A Shaheed, Parish Councillor Co-opted Members - Keith Lievesley and Richard Clark

Also Present: Councillor Murphy, Group Leader Labour Party
Councillor Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development
Dave Boddy, Transport Planning Manager, Skanska
Stuart Watkins, Senior Engineer - Structures, Skanska
Carole Aston, Designing out Crime Officer

Officers Present: Peter Carpenter, Service Director of Financial Services
Simon Machen, Corporate Director, Growth and Regeneration
Charlotte Palmer, Group Manager - Transport and Environment
Lewis Banks, Principal Transport Planning Officer
Stephan Gerrard, Interim Director Law and Governance
Paulina Ford, Senior Democratic Services Officer

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cereste, Brown, Jamil and Fower. The following Councillors were in attendance as substitutes: Councillor Goodwin for Councillor Cereste, Councillor Bull for Councillor Brown, Councillor Ferris for Councillor Jamil and Councillor Shaheed for Councillor Fower.

11. DECLARATIONS OF INTEREST AND WHIPPING DECLARATIONS

There were no declarations of interest or whipping declarations.

The Chairman read out the procedure for the meeting.

12. REQUEST FOR CALL IN OF AN EXECUTIVE DECISION: APPROVAL FOR JUNCTION 18 (RHUBARB BRIDGE) HIGHWAY WORKS - AUG17/CMDN/30

The purpose of the meeting was to consider the call-In request that had been made in relation to the decision made by the Cabinet Member for Growth, Planning, Housing and Economic Development on 9 August 2017 relating to the approval for Junction 18 (Rhubarb Bridge) Highway Works.

The request to call-In the decision was made on 11 August 2017 by Councillor Ellis Councillor Sandford and Councillor Fower. The decision for call-In was based on the following grounds:

Criteria 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution specifically that the decision maker did not:

- (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.
- (d) Act for a proper purpose and in the interests of the public.
- (f) Follow procedures correctly and be fair.

After considering the request to call-in and all relevant advice, the Committee were required to decide either to:

- a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- b) if it considered that the decision was outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- c) decide to take no further action, in which case the original executive decision will be effective immediately.

In support of the request to call-in the decision, Councillor Sandford and Councillor Ellis made the following points:

- The decision had not been made in the best interests of the public and was therefore not fair or transparent.
- The decision was taken two hours before the main public consultation event was held on the evening of 9 August and therefore the decision maker did not take into consideration any feedback or views expressed by the public.
- No alternative options were provided to the decision maker and no alternative options were provided at the public consultation.
- Additional options should have been provided with costings including alternative schemes, short and long term solutions, sources of other funding and costs for the replacement of Rhubarb Bridge.
- More time is required to make such an important decision which affects so many people in and around Peterborough who use the bridge.
- There was only one line in the Local Transport Plan which referred to at-grade pedestrian crossings with no further detail.
- Councillor Sandford advised that he had made numerous comments at various committee meetings requesting alternative options with costs be provided for the replacement of Rhubarb Bridge.
- The decision had not followed the principles of good decision making and should be presented back to the Cabinet Member for further consideration.
- More time was required to consider the decision and look into alternative options which should be presented to the Growth, Environment and Resources Scrutiny Committee prior to the decision being made. A report should be presented to the Committee providing all options including replacing the bridge, repairing the bridge and putting in at-grade crossings with full costings.

Members of the Public and Ward Councillors who had registered to speak in support of the call-in were then invited to address the Committee.

Nyree Ambarchian, representing concerned residents addressed the Committee and made the following points:

- There were three key reasons why the decision should be referred back to the Cabinet Member:
 1. Residents did not feel consulted and more needed to be done to effectively engage people. The plan had been presented as a 'done deal' with no discussion to try and find the best possible solution. The revised temporary plans had been seen as a knee jerk response to a public outcry.
 2. This was a decision of considerable magnitude. The people of Peterborough cared about Rhubarb Bridge and a petition which had recently been started already had more than 5000 signatures. It was important that the decision was properly thought out with all the due diligence in place.

Why hadn't the structural engineers report been shared with Councillors, why hadn't the road safety audit been shared and the environmental impact report? Had the Equality Impact Assessment been checked, as it did not match with independent studies done by national charities. This was a huge decision for the city and had been so well considered when the bridge was originally put in place.

3. The original and temporary proposal were based on dubious workings which claimed the bridge was too expensive to replace but the costings were not detailed and were hugely inflated with a 65% contingency. It also appeared costly compared with other bridges in the area an example of which was the major road improvement scheme at Rushden lakes in Northampton. This scheme included a large suspended foot and cycle bridge, road and roundabout widening plus a new link road and roundabout all of which cost £11M of which the bridge cost £800K. A 15% contingency was included in this scheme. Offers to help with funding from national and local charities have not been taken up.
- At the information event officers advised that they had been briefed to get rid of the bridge and that other options had not been fully looked at. Officers also advised that the scheme was equitable for drivers but worse for pedestrians and cyclists which meant that people will be reluctant to travel by bike or on foot. Air quality at ground level was much more polluted than on the bridge. This therefore did not fit with the Council's aspirations to be the Environment Capital.

It is therefore requested that the decision be referred back for further consideration.

Councillor Murphy, Ward Councillor for Ravensthorpe addressed the Committee and made the following points:

- Many people used Rhubarb Bridge to access areas of the city around the bridge. The removal of the bridge would inhibit people who would normally cycle or walk from accessing those areas of the city.
- More information and other options need to be provided and scrutinised.
- There have been examples of fatalities where at-grade pedestrian crossings had been installed.
- Since the Local Transport Plan was published the Combined Authority had now been put in place and now had the remit for highways and transport schemes. The Combined Authority should therefore be asked to include the Rhubarb Scheme in their feasibility studies.
- Air quality also needed to be looked at.
- Further time needed to be taken to put together a proper proposal that can be scrutinised, discussed with the Mayor of the Combined Authority and attract alternative funding to avoid demolition of the bridge.

Before continuing with questioning the Interim Director Law and Governance advised those present that the only areas that could be discussed at the meeting were those stated within the call-in form.

Councillors Ellis and Sandford responded to comments and questions raised by Members of the Committee. A summary of responses included:

- The Local Transport Plan had a user hierarchy which stated that in all aspects of transport decision making the interests of users would be looked at in order, pedestrians and cyclists being the first in the list of priorities. It had been noted that the proposal had included putting additional lanes in at the junction which would make it less safe for pedestrians and cyclists.
- The Local Transport Plan was a long term strategic plan covering anything to do with transport. Junction 18 improvements was about a single issue which was a big piece of work and if done correctly would benefit both the public and road users.
- Councillor Sandford stated that he had on many occasions requested that a proper consultation be held on all available options before implementing the scheme. At the last Full Council meeting and various other meetings he had raised the question many times and asked for fully costed details and alternative options for the Junction 18 scheme.
- Rhubarb Bridge had been in place for a long time and provided a safe route for pedestrians and cycles and provided the best option. At-grade pedestrian crossings would be less safe.
- There had been no information on alternative options for consideration, further time should be taken to consider alternative fully costed options which would include repairing the bridge and replacing the bridge. A considered decision could then be made on the best option for Peterborough.
- Not enough information had been provided to scrutiny with regard to this scheme.
- The Local Transport Plan contained approximately 400 pages and very little detail had been provided within the Local Transport Plan. The section in the Local Transport Plan referring to Rhubarb Bridge comprised of only two sentences: *1) The scheme will see the removal of the pedestrian and cycle bridge over Junction 18 and under the A47. This will be replaced with at-grade pedestrian/cycle crossings. 2) The bridge requires significant maintenance work each year and the cost is rising year on year. If nothing is done the maintenance works alone will be insufficient and the bridge will have to be closed.*
- The reason for the call-in was to ask the decision maker to pause and reconsider the decision and to take into account all available options which should be fully costed to ensure that the decision was the correct one.
- It was felt that the decision making process had not been followed correctly in that the decision had been signed on 9 August to award the contract to Skanska for the Rhubarb bridge scheme which was only a few hours before the consultation meeting took place that evening. It was therefore felt that the Cabinet Member had not taken into account any feedback from the consultation before making the decision. The decision had not therefore been made in the best interests of the public.
- Ward councillors had not been consulted on the scheme.
- Air quality around the area of Rhubarb Bridge was already a concern and the implementation of at-grade crossings would put pedestrians at increased risk of air pollution. There was also a possibility that air quality would further deteriorate with the proposed scheme.
- The decision maker had not been given enough information to make an informed decision.

13. RESPONSE TO CALL-IN OF EXECUTIVE DECISION - APPROVAL FOR JUNCTION 18 (RHUBARB BRIDGE) HIGHWAY WORKS - AUG17/CMDN/30

There being no further questions from the Committee, Councillor Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development accompanied by the Service Director of Financial Services, the Corporate Director, Growth and Regeneration, the Group Manager - Transport and Environment and the Principal Transport Planning Officer was invited to respond in answer to the call-In request.

In response to the request to call-in the decision, Councillor Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development made the following points:

- The decision taken was to award the contract to Skanska for a scheme that had already been approved and was in accord with both the Long Term Transport Plan (LTP4) and the Medium Term Financial Strategy.
- The Local Transport Plan 4 is the fourth Local Transport Plan which was a very important document detailing plans of how people move around the city for the next five years and beyond, Junction 18 was a critical part of the plan. The Local Transport Plan also included major infrastructure projects of which Junction 18 was one of them. The Rhubarb Bridge scheme was comprehensively detailed over two pages. The Local Transport Plan was consulted on extensively on many different occasions over a lengthy period providing an opportunity for councillors to question in detail the scheme which was part of the Local Transport Plan during that time. Opportunities were provided for scrutiny and consultation at the following meetings: the Growth, Environment and Resources Scrutiny Committee on 6 January 2017, Cabinet on 18 January and Full Council on 22 January 2017. No comments or recommendations were made at any of these meeting with regard to Junction 18.
- The Local Transport Plan was adopted at Full Council on 22 January 2017 which included the Junction 18 scheme detailing the removal of Rhubarb Bridge, therefore the current decision was made in line with the scheme which had already been approved by Council.
- Additional opportunities were provided for comments on the scheme through the Medium term Financial Strategy which went out to consultation from 27 January to 6 March 2017. Throughout the consultation Councillors were asked to contribute to the formulation of the budget setting process and no negative comments were received regarding the Junction 18 scheme which had been fully costed within the budget document.
- Having listened to the feedback from the public consultation meeting and recognising the concerns of the users of the bridge it has been agreed that Council explore another temporary option to extend the life of the pedestrian/cycle bridge should this be technically and financially viable. However the at-grade crossings would still be installed to ensure that if there were no operational bridges people could still cross the Junction.

Cabinet Member for Growth, Planning, Housing and Economic Development responded to comments and questions raised by members of the Committee. A summary of responses included:

- The Cabinet Member advised that no negative comments had been received with regard to the Local Transport Plan and Medium Financial Strategy.
- Members sought clarification as to what documentation had been presented to the Cabinet Member to enable him to make his decision to ensure it provided best value for money. The Cabinet Member reminded the Committee that the decision was to award the Contract to Skanska for a project that had already been clearly identified and approved as part of the Local Transport Plan and Medium Term Financial Strategy. The decision was about who to award the contract to which was based on a fully costed contract.
- The Corporate Director for Growth and Regeneration stated that an options appraisal would have been provided had a recommendation come forward from the Committee at

its meeting in January when the Local Transport Plan had been scrutinised but no such recommendation had been made. A wide range of options had therefore not been considered and the scheme had been costed and developed within the financial envelope approved by Council. The budget could not be increased and the Council faced significant financial challenges going forward. There was no budget available to provide alternative options appraisals at this time. A proposal has been put forward to try and extend the longevity of the existing structure by using the capital investment of £5.5M that would have been spent on demolishing the bridge. This could be used to repair the bridge to extend its life for another five years to allow time to try and identify funding to replace the bridge. The capacity of the Junction will have to be increased to allow for the growth of the city and therefore at-grade crossings will have to be put in place to allow pedestrians to cross the junction while the work was being completed.

- The Cabinet Member clarified that the decision to award the contract to Skanska was the correct decision based on a scheme which had already received approval at Full Council.
- The £20M to £30M quoted was for the replacement of the bridge not the repair of the bridge, the Council could not afford to replace the bridge. The budget could not be increased if the project was stopped.
- Safety would always be a priority when installing the at-grade pedestrian crossings.
- The Principal Transport Planning Officer advised that the detailed designs of the scheme were on-line for everyone to see and comment on. Additional CCTV cameras would be placed around the junction as part of the scheme. The current shrubbery would be removed and new shrubbery installed following feedback regarding anti-social behaviour. The Disability Forum would be consulted on the scheme to ensure their feedback was taken into account.
- Members of the Committee commented that the cost of the scheme had not been comparable with similar schemes like the one at Rushden Lakes. Additionally the shared space around the scheme was inadequate.
- The Cabinet Member advised that Skanska had proven time and time again to be cost effective.
- The contract would not need to be reviewed in light of the recommendation to explore a temporary option to extend the life of the bridge as it would not change the decision to remove the bridge unless alternative funding could be found.
- Putting at-grade crossings in place and removing the bridge did not go against the hierarchy of the Local Transport Plan putting pedestrians and cyclists first.
- There was a risk that if the scheme was not progressed then a potential bid for £3.85M funding from the Department of Transport would not be allocated to the Council. There had to be a scheme in place to receive the funding.
- The Cabinet Member clarified that it was not his intention to demolish Rhubarb Bridge to encourage an increase in the use of cars.

There being no further questions of the Cabinet Member and having heard all the evidence the Committee debated the request to call-in the decision and whether the Committee should:

- a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;
- b) consider if the decision was outside the Council's Budget and Policy Framework, and therefore refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or
- c) decide to take no further action, in which case the original executive decision will be effective immediately.

Some Committee members commented that both the Local Transport Plan and the Medium Term Financial Strategy of which this item had been included had been subject to scrutiny, full public consultation and had been to Full Council.

Councillor Bull proposed that based, on the facts provided and that the decision had been taken in accordance with the Council's decision making process that the call-in should not be upheld and the decision should be implemented. The proposal was seconded by Councillor Goodwin.

Councillors Ferris, Ellis and Sandford opposed Councillor Bull's proposal on the following grounds:

- The Cabinet Member had not acted for a proper purpose and in the interests of the public.
- The scheme would increase congestion at Junction 18 not decrease it and would seem to be against the council's Sustainable Transport Policy.
- Alternative options were not realistically considered.
- The decision was made before the public consultation took place and therefore did not take into consideration the views of the public.
- 5000 people had signed a petition against removing Rhubarb Bridge.

Following debate the Chairman asked the Committee to vote on the proposal put forward by Councillor Bull and seconded by Councillor Goodwin not to uphold the call-in. A recorded vote was requested and agreed.

The vote was recorded as follows:

Councillor Peach – In Favour
Councillor Harper – In Favour
Councillor King – In Favour
Councillor Aitken – In Favour
Councillor Goodwin – In Favour
Councillor Bull – In Favour
Councillor Ellis – Against
Councillor Ferris - Against
Councillor Sandford – Against
Councillor Shaheed – Against
Councillor Judy Fox - Against

The Committee voted in favour of NOT agreeing to the request to call-in the decision (6 in favour, 5 against, 0 abstentions)

AGREED ACTION

The request for call-in of the decision made by the Cabinet Member for Growth, Planning, Housing and Economic Development on 9 August 2017 relating to the Approval for Junction 18 (Rhubarb Bridge) Highway Works was considered by the Growth Environment and Resources Scrutiny Committee. Following discussion and questions raised on each of the reasons stated on the request for call-in, the Committee did **not** agree to the call-in of this decision on any of the reasons stated.

It was therefore recommended that under the Overview and Scrutiny Procedure Rules in the Council's Constitution (Part 4, Section 8, and paragraph 13), implementation of the decision would take immediate effect.

The meeting began at 7.00pm and ended at 9.25pm

CHAIRMAN