

**GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY
COMMITTEE**

**TUESDAY 29 AUGUST 2017
7.00 PM**

Bourges/Viersen Room - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest and Whipping Declarations

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

- | | |
|---|----------------|
| 3. Request for Call-In of Executive Decision: Approval for Junction 18 (Rhubarb Bridge) Highway Works - AUG17/CMDN/30 | 3 - 24 |
| 4. Response to Call-In of Executive Decision - : Approval for Junction 18 (Rhubarb Bridge) Highway Works - AUG17/CMDN/30 | 25 - 36 |

Committee Members:

Councillors: J Peach (Chairman, C Harper (Vice Chairman), K Aitken, R Brown, M Cereste, A Ellis, D Fower, J A Fox, M Jamil, D King, and N Sandford

Co-opted Members:

Parish Councillor Keith Lievesley
Parish Councillor Richard Clarke

Substitutes: Councillors: S Barkham, R Ferris, J Goodwin and S Lane

Further information about this meeting can be obtained from Paulina Ford on telephone 01733 452508 or by email – Paulina.ford@peterborough.gov.uk



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Paulina Ford on 01733 452508 as soon as possible.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20on%20the%20use%20of%20Recording&ID=690&RPID=2625610&sch=doc&cat=13385&path=13385>

GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE	AGENDA ITEM No. 3
29 AUGUST 2017	PUBLIC REPORT

Report of:	Director of Governance		
Cabinet Member(s) responsible:	Cabinet Member for Resources		
Contact Officer(s):	Paulina Ford, Senior Democratic Services Officer	Tel. 01733 452508	

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

R E C O M M E N D A T I O N S	
FROM: Director of Governance	Deadline date: N/A
<p>It is recommended that the Growth, Environment and Resources Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider a request to call-in a decision taken by the Cabinet Member for Growth, Planning, Housing and Economic Development in respect of the Approval for Junction 18 (Rhubarb Bridge) Highway Works. 	

1. ORIGIN OF REPORT

1.1 The report is presented to the Committee on behalf of the Director of Governance.

2. PURPOSE AND REASON FOR REPORT

2.1 The report is being presented to the Committee so that they may Consider a request to call-in a decision taken by the Cabinet Member for Growth, Planning, Housing and Economic Development in respect of the Approval for Junction 18 (Rhubarb Bridge) Highway Works.

2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

- (f) By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions which have been delegated to an officer;

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
---	-----------	----------------------------------	-----

4. BACKGROUND AND KEY ISSUES

- 4.1 On the 9 August 2017, the Cabinet Member for Growth, Planning, Housing and Economic Development made an executive decision relating to the approval for Junction 18 (Rhubarb Bridge) Highway Works. In accordance with the Constitution this decision was published on 9 August 2017.
- 4.2 On 11 August 2017, Councillor Ellis, Councillor Sandford and Councillor Fower submitted a request to call-in the decision 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.
- 4.3 A copy of the request to call-in is attached at Appendix 1, a copy of the report considered by the Cabinet Member and associated documents is attached at Appendix 2 and a copy of the decision notice is attached at Appendix 3.
- 4.4 After considering the request to call-in and all relevant advice, the Committee may either:
- (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 considers that the decision is 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.

If referred back to the decision taker they shall then reconsider, amending the decision or not, before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.

5. CONSULTATION

- 5.1 Please refer to Appendices 2 and 3 of the report for details of any consultation that has taken place with regard to the Executive Decision taken.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 Possible outcomes: The Committee may either:
- 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 considers that the decision is 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.

7. REASON FOR THE RECOMMENDATION

- 7.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under section 9F(2) and 9F (4) of the Local Government Act 2000 (as amended by the Localism Act 2011) to review an Executive Key Decision before it is implemented. Where a decision is called-in and the Scrutiny Committee decides to refer it back to the decision maker for reconsideration, it cannot be implemented until the call-in process is complete.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Please refer to Appendices 2 and 3 of the report for details of alternative options considered with regard to the Executive Decision taken.

9. IMPLICATIONS

Financial Implications

- 9.1 Please refer to Appendices 2 and 3 of the report for details of any financial implications with regard to the Executive Decision taken.

Legal Implications

- 9.2 Please refer to Appendices 2 and 3 of the report for details of any legal implications with regard to the Executive Decision taken.

Equalities Implications

- 9.3 Please refer to Appendix 2a of the report for details of any equalities implications regarding the Executive Decision taken.

Rural Implications

- 9.4 *N/A*

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Executive Decision Notice AUG17/CMDN/30 published on 9 August 2017

11. APPENDICES

- 11.1 Appendix 1 – Request to Call-In Decision
Appendix 2 – Report Considered by the Cabinet Member for Growth, Planning, Housing and Economic Development
Appendix 2a – Equality Impact Assessment
Appendix 3 – Copy of Decision Notice - AUG17/CMDN/30

This page is intentionally left blank

CALL-IN REQUEST FORM

This form must be completed and signed by any TWO members of the relevant Scrutiny Committee and **MUST** be returned to the *Proper Officer within 3 working days of the decision being published (*not including the day of publication*). Please telephone the Proper Officer to make them aware that the Call-In form is on its way.

**Please note that the Proper Officer can be any of the following Senior Democratic Services Officers: Paulina Ford, Tel: 452508, Daniel Kalley, Tel: 01733 296334, Jane Webb, Tel: 01733 452281 or Phillipa Turvey, Democratic and Constitutional Services Manager, Tel: 01733 452460 The Call-In Request will only be valid if it has been received in person by any of the above people within the 3 working day deadline. The form may be emailed or hand delivered. If sent in the post you must call the Proper Officer to advise that it has been posted and it will need to be received by the Proper Officer within the 3 working day deadline.*

Decision taker:	Cllr Hiller	
Date of publication of decision:	9 August 2017	
Title of Decision Called in :	Approval for Junction 18 (Rhubarb Bridge) Highway Works	
Date Decision Called in:	10 August 2017	
	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision is contrary to the Budget and Policy Framework rules set out in Part 4 Section 6 of the Council's Constitution? <i>(If this is the case it will require a reference to Council by a Scrutiny Committee on a report from the Monitoring Officer or Chief Finance Officer)</i>	
2.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
3.	Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution.	✓
	If reason 3, please tick which specific element of Article 11 the decision maker has not followed, did he or she not:	
(a)	Realistically consider all alternatives and, where reasonably possible, consider the views of the public.	✓
(b)	Understand and keep to the legal requirements regulating their power to make decisions	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	
(d)	Act for a proper purpose and in the interests of the public.	✓
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	✓
(g)	Make sure they are properly authorised to make the decisions.	
(h)	Be responsible for their decisions and be prepared to give reasons for them.	
(i)	Take appropriate professional advice from officers.	

Detailed Reason(s) for Call-in. Please detail the reasons below why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive, please be specific in how it applies to the reason for call-in as identified on page 1 of the form. E.g. if you have ticked reason 1 on the form then please identify which major policy is affected and how/why or which area of the budget framework.

The need to replace Rhubarb Bridge has been flagged up in the Council's Local Transport Plan programme of works for a number of years. However, no detail of what is proposed to replace the current bridge has been published. Local ward councillors have asked officers on numerous occasions to ensure that before any final decision was made, local people were properly consulted on the options available.

We are told in the decision notice that alternative options were considered but they are dismissed as being too expensive. No detail of any alternative option has been published, no information on them was ever given to ward councillors and certainly no public consultation on them has ever taken place. This bridge is at a strategic junction at the intersection of four council wards and is an important route in the north of the city for pedestrians and cyclists.

There is currently consultation on the Council's preferred option of installing at grade crossings. The public is effectively being informed what has already been decided, rather than being consulted on it. This impression is made all the more obvious by the fact that Cllr Hiller signed the decision notice to award the contract and implement the scheme before the main public consultation drop in event had been held: it took place on the evening of Weds 9 August. So there is no possibility that views expressed by the public at this event have been taken into account in making the decision.

Making a decision before public consultation has been completed is clearly not acting "for a proper purpose and in the interests of the public (para d) of article 11 of the council constitution). Acting in such a way is clearly not a fair or correct procedure (para f) of article 11). There is no evidence of what other options were considered or any detail of their costings and members of the public (or indeed ward councillors) were not consulted on any of them (para a) of section 11).

Details of Alternative Course of Action or Recommendations you wish to propose. Please specify what course of action you are proposing should be taken and any recommendations that you are proposing should be considered by the Scrutiny Committee.

This issue is highly controversial in the local area and involves millions of pounds of public funds. It is therefore essential that correct and fair procedures are followed and that there is proper consultation. As this has not happened, the decision should be:

1. Referred back to Cllr Hiller for further consideration of feedback from councillors and the public.
2. It would also be beneficial if full costings on all available options for replacement of the current bridge could be presented to the Growth and Environment Scrutiny Committee.

	Name (please print)	Member of Which Scrutiny Committee	Signature	Date
1.	Councillor Nick Sandford	Growth, Environment & Resources	Nick Sandford	11/8/17
2.	Councillor Angus Ellis	Growth, Environment & Resources	Angus Ellis	11/8/17
3.	Councillor Darren Fower	Growth, Environment & Resources	Darren Fower	11/8/17

<p>RECOMMENDATION TO APPROVE THE A47 JUNCTION 18 IMPROVEMENTS PROGRAMME FOR THE 2017/2018 FINANCIAL YEAR</p> <p>COUNCILLOR PETER HILLER, CABINET MEMBER FOR GROWTH, PLANNING, HOUSING AND ECONOMIC DEVELOPMENT</p>
<p>July 2017</p>
<p>Deadline date: July 2017</p>

<p>Cabinet portfolio holder:</p>	<p>Councillor Peter Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development</p>
<p>Responsible Director:</p>	<p>Simon Machen, Corporate Director Growth and Regeneration</p>
<p>Is this a Key Decision?</p>	<p>YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/01MAY17/02</p>
<p>Is this decision eligible for call-in?</p>	<p>YES</p>
<p>Does this Public report have any annex that contains exempt information?</p>	<p>NO</p>
<p>Is this a project and if so has it been registered on Verto?</p>	<p>Once approved a programme will be created on Verto to monitor delivery of the work programme</p>

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to:

1. Authorise the issue of a work package to Skanska Construction UK Limited (“Skanska”) under the Council’s existing Peterborough Highway Services Contract for the Council to undertake improvement works on the A47 Junction 18 (the “scheme”). The total value of the work package will be £5.5m made up of £2.5m budget spend for 17/18 and £3m budget spend for 18/19. In addition to the work package for £5.5m, the Council allocated a budget of £192, 600 in previous financial years, towards payment to Skanska for the design of the Scheme.
2. Authorise the Director of Growth and Regeneration to vary the work order value when required subject to;
 - (i) available budget being in place;
 - (ii) the total sum of each variation not exceeding £100,000;
 - (iii) the combined value of any authorised variation(s) do not exceed the total sum of £500,000.

Any variations are to be made in prior consultation with internal audit, finance and legal services.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks approval from the Cabinet Member for Growth, Planning, Housing and Economic Development for :
- the 2017/18 A47 Junction 18 Improvement programme of Works (the “Scheme”)
 - the award of a work package to Skanska Construction UK Limited (“Skanska”) up to a value of £5.5m to undertake the Scheme.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the Cabinet Member for Growth, Planning, Housing and Economic Development to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (b).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
---	-----------

4. DETAILS OF DECISION REQUIRED

- 4.1 The roundabout of junction 18 is currently fully signalised, and the proposed scheme will incorporate additional capacity enhancements to enable the junction to accommodate traffic growth. In addition, the Scheme will see the removal of the pedestrian and cycle bridge over Junction 18 and under the A47. This footbridge will be replaced with at-grade pedestrian crossings, incorporated into the traffic signals on Junction 18. The pedestrian/cycle bridge currently requires significant maintenance works each year and the cost of these works is rising year on year as the structure nears the end of its serviceable life. If nothing is done the maintenance works alone will be insufficient and the bridge will have to be closed.
- 4.2 The Scheme and budget is included in the Council’s Medium Term Financial Plan.
- 4.3 The Council intends to award a package of work under its existing contract with Skanska .

5. CONSULTATION

- 5.1 Thorough consultation was undertaken in order to appoint Skanska Highway and Infrastructure Services as Peterborough’s Highways partner, culminating in the signing of a Cabinet Member’s Decision Notice in August 2013.
- 5.2 Appropriate level consultation will take place with all relevant stakeholders. This will take place alongside the delivery contractor to ensure consultation details align with delivery programmes and final design details.

6. ANTICIPATED OUTCOMES

- 6.1 Delivery of the A47 Junction 18 Improvements 2017/18 will contribute to the transportation aims of both the Council and the Government by supporting the city’s growth agenda; improving accessibility to key services, providing safer roads and reducing congestion. Leading to an improved environment with better accessibility.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 The roundabout at Junction 18 is currently running at full capacity at peak times, these works are vital to accommodate future growth. The pedestrian/cycle bridge currently requires significant maintenance works each year and the cost of these works is rising year on year as the structure nears the end of its serviceable life. It is not financially viable to provide a new pedestrian/cycle bridge.
- 7.2 The Peterborough Long Term Transport Strategy (LTTS) (2011-2026) and the fourth Peterborough Local Transport Plan (LTP4) (2016-2021) were developed in consultation with a wide range of key stakeholders. The Council considered a range of transport interventions to best address local problems, meet the growth aspirations of the city and integrate the Government's transport priorities agreed nationally by the Local Government Association and the Department for Transport. The assessment and appraisal of options involved:
- Policy Fit (meets objectives of the strategy)
 - Cost Benefit Analysis (value for money)
 - Key Performance Indicator Assessment
 - Network Improvement Impact Assessment
 - Equality Impact Assessment (EIA)
 - Strategic Environmental Assessment (SEA)
 - Habitats Regulation Assessment (HRA)

In the future there will be a new Local Transport Plan prepared by the Combined Authority.

Peterborough Highway Services contractual arrangements with Skanska Construction (UK) Ltd:

- 7.3 Highway services delivered by the Council acting as Local Highway Authority have been subject to annual budget reductions and have delivered significant savings internally through service efficiencies, streamlined staffing and income generation, as well as robustly challenging existing suppliers. In 2013 the Council recognised that in order to take these achievements even further, it needed to have an external partner to work with to consolidate existing service provision both external and in-house to:
- deliver synergies across a wide range of service provision;
 - provide inward investment;
 - guarantee further savings and value for money services;
 - serve as a catalyst for change; and
 - bring wider benefits to the city (such as local job creation).
- 7.4 The Council advertised the Peterborough Highway Services Contract in the Official Journal of the European Union in line with the Public Contracts Regulations 2006 for interest from bidders wishing to be considered as the Council's potential Partner for Peterborough Highway Services. An envisaged contract period for the partnership was stated as being ten years with the ability to extend it for two further periods of five years each.
- 7.5 Due to the complex range of services to be delivered by Peterborough Highway Services, the Council chose to use the Competitive Dialogue Procedure under the regulations so the Council could develop with the bidders the service scope, innovative solutions and growth potential in terms of improved service delivery and pricing. Strong emphasis was placed on the Council's desire to work in a collaborative and partnering style and that it wished to see bids that combined all the necessary qualities that the Council was seeking to achieve from the procurement process. The Competitive Dialogue procedure consisted of four stages, as follows:
- Stage 1: Prequalification

- Stage 2: Outline Proposals
- Stage 3: Detailed Proposals
- Stage 4: Final Tender

- 7.6 Following a rigorous year-long competitive dialogue process and thorough evaluation of tender documents, the Council awarded a contract to Atkins Limited dated 18 September 2013. By an agreement also dated 18 September 2013, the contract was novated to Skanska as the Council's preferred supplier, culminating in 2013 with the establishment and award of Peterborough Highway Services Contract 2013-2023. This process was ratified by a Cabinet Member's Decision Notice (AUG13/CMDN/068).
- 7.7 The CMDN established the principle of evolution of the partnership and identified the potential for additional services to come within the scope of the Contract at a later date. Clause Z13.2 of the Peterborough Highway Services Contract 2013-2023 provides the legal basis for extending the scope of works delivered by Skanska.

Project delivery

- 7.8 The A47 junction 18 programme of Works is being carried out by Skanska through the Professional Services element of the Peterborough Highway Services Contract 2013-2023. Although the majority of the work will be carried out by Skanska under the existing Peterborough Highway Services Contract, certain aspects of the work may be awarded to third parties and to utility companies. The Council will seek separate approvals through the governance process to make these awards.
- 7.9 It is recommended that the current Peterborough Highway Services Contract 2013-2023 should also be utilised as the delivery mechanism for the physical works. The Conditions of Contract are the core clauses of the NEC3 Engineering and Construction Contract June 2005 (with amendments June 2006 and September 2011). The works will be priced by the Contractor using Option C: Target contract with activity schedule.
- 7.10 In this option the Contractor tenders a target price using an activity schedule in which each activity is priced as a lump sum plus fee. During the course of the delivery, the target price is adjusted to cater for compensation events that are set out in the contract. Payment is made on the basis of actual costs plus fee. Within Option C, Target Contract, there is an incentive mechanism for the Contractor to minimise costs with both savings and overspends shared between both client and contractor. The sharing of risk in the target cost approach is likely to reduce the occurrence of disputes between both parties.
- 7.11 In the past the Council used its Professional Services Partner for the design and supervision role for major schemes in excess of £500,000 and procured the delivery element either via a competitive tender on the open market or through an established Framework Agreement such as the Midlands Highway Alliance or the Eastern Highways Alliance. Whilst these procurement routes have proven successful the tender process can lead to delays in awarding contracts which presents a significant financial risk.
- 7.12 When procuring works via the open market, there are significant costs associated with the preparation of open market tenders for each project in terms of staff time and resource. These effectively cancel out any potential savings that could be generated by procuring works in this way, and the potential benefits of design and build efficiencies can be lost when the two key components of a Scheme are completed by different contractors.
- 7.13 In recent years the Council has procured its major public realm and transportation projects through the Midlands Highway Alliance (MHA) Framework Agreement. In addition to the annual membership fee, a fee is charged for each project using its Medium Schemes Framework Contract (MSF1) on an escalating scale, calculated against the initial target

price. In utilising the existing Term Service Contract with Skanska the Council will avoid the project fee and in doing so will realise an immediate efficiency for each project delivered.

- 7.14 To place this into context, the MHA fee for using the MSF1 Contract on a typical construction project target costed at £1.0m would be £12,000. This fee would not be incurred if delivered by the Peterborough Highway Services contract.
- 7.15 In addition to the project fee, in April 2014, the MHA launched a new version of its Medium Schemes Framework Contract (MSF2) which replaced the MSF1 Contract. To date, no works have been procured by the Council under the MSF2 Contract. As such, it remains untried and untested as a delivery mechanism for major projects. A number of new contractors have been accepted onto the MSF2 Framework and several of these have no proven track record of delivering major projects for the Council.
- 7.16 Following evaluation of the alternative procurement mechanisms detailed above it is considered that the Peterborough Highway Services contract provides the most suitable delivery mechanism of the A47 junction 18 programme of Works. Utilising the existing Highway Services Contract will mean that the Council will realise the following benefits:
- Reduced procurement costs by using an existing framework contract.
 - Improved project management and cost certainty through the utilisation of a target cost style of contract.
 - Reduced construction costs through 'Early Contractor Involvement' (ECI) at the design stage to manage and mitigate more effectively any potential build issues with the design.

Representing Best Value

- 7.17 When the Peterborough Highway Services Contract was awarded to Skanska it was viewed as having submitted the most economically advantageous tender submission, thereby demonstrating best value in the market place. This is something that Peterborough Highway Services has continued to demonstrate via robust contract management tools such as adoption of the Peterborough Highways Performance Manual and the adoption of Key Performance Indicators (KPIs).
- 7.18 The Peterborough Highway Performance Manual sets out the process for measurement and management of performance in delivering the contract requirements. The Peterborough Highways Performance Hierarchy gives the Partnership a standard approach to capturing performance data in order to achieve:
- Visibility of service provider performance.
 - Consistency in the data captured.
 - Benchmarking of performance results.
 - Capturing continuous improvement.
 - The service areas for the Highway Services Contract are:
 - Operations (responsive Highway Service)
 - Commercial and Financial
 - Added value
 - Customer Service
- 7.19 Performance is monitored in line with these four weighted 'domains', providing regular visibility of the service leading to better, more informed decision making on where resources and improvement efforts need to be focussed.
- 7.20 Regular reviews of the Performance Hierarchy are undertaken by the Peterborough Highways Operation Team (PHOT) in order to capture lessons learned and support continuous improvement of the process. The hierarchy is updated on an annual basis with

reviews used to refocus the service areas to align with the changing needs of the Council and reflect the associated movement of the Partnership's objectives.

- 7.21 A series of Key Performance Indicators (KPI's) are used to evaluate performance under the Highway Service Contract. They are collated on a monthly basis and summarised on a dashboard with status shown as either, 'Green', 'Amber' or 'Red' against an agreed target percentage. All the monthly KPI scores will contribute to an annual, overall performance score for the Contract. This will be used to determine whether extensions to the Contract are awarded to Skanska when the current term expires.
- 7.22 One of the Operational KPI scores used to evaluate the performance of the Contract relates specifically to accurate target cost forecasting (KPI OP13). The information collected to calculate the KPI is the initial target cost, the final target cost figure including agreed compensation events and the final defined or 'actual' costs of the works. This indicator measures the difference between the final target cost and the final defined cost expressed as a percentage. The agreed target for the Highway Service Contract is for ninety-five per cent of all Scheme target costs to come within +/- ten per cent of the final defined costs. The expectation is for Skanska to better understand the concept of cost not price and the factors that influence cost changes to ensure that target costs are being jointly and correctly set.
- 7.23 Service credits will be incurred in the event that performance targets are not met although they can be nullified where the overall annual performance score for the contract exceeds ninety-five per cent. The relationship between the level of failure and the service credit is linear. It is subject to agreement between the Contract service manager and the PHOT prior to the start of each year. The key benefit of this tapered arrangement is that the service provider is rewarded for each percentage improvement to performance whilst ensuring that poor performance is penalised. This incentivises the service provider to invest in the service and deliver continuous improvement for the Partnership.
- 7.24 Given the performance mechanisms detailed above and as a result of Skanska's documented performance since the commencement of the Highway Service Contract in October 2013 it is recommended that they are the contractor selected to deliver the A47 junction 18 programme of Works utilising the Peterborough Highway Services Contract 2013-2023. In addition to proven quality and value for money as demonstrated by the adoption of the Peterborough Highways Performance Manual and KPIs, this route would also deliver:
- An increased turnover rebate from Skanska to the Council.
 - Design and build end-to-end efficiencies.
 - Increased economies of scale.
 - Greater opportunity to retain work in the local area.
 - Security of materials and resources supply.
 - Innovation.
 - Increased efficiencies and revenue benefits for access to additional work at zero bid cost.
- 7.25 The use of an NEC3 Option C Target Cost Contract will demonstrate value for money as the payment mechanism will give the Council full transparency over all costs and the pain/gain mechanism will further encourage Skanska to drive down costs and maximise efficiencies.
- 7.26 In order to improve the delivery of major projects Skanska have proposed the creation of a 'Core Management Team' with the express aim of planning, co-ordinating and implementing Council major capital projects. This team will also look to pursue additional Third Party Schemes (for other Council Directorates and Departments) through the Highway Service Contract to generate economies of scale.

- 7.27 The creation of a dedicated team to deliver major projects removes the need for the Council to engage another Professional Service Provider to administer, manage and supervise the contract on its behalf. As an example, the current fee charged by the MHA to use its Professional Services Partnership is one per cent of the total value of the work charged through the framework to the member in question.
- 7.28 In addition to the immediate savings associated with each project Serco, the Council's procurement partner have been in discussions with Skanska with regards to additional efficiency opportunities that can be generated within the Contract. A number of options have been explored and agreed in principle subject to increased contract turnover associated with the delivery of schemes greater than £500,000.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Not to deliver a programme of works: Successful delivery of the proposed programme of works will provide significant benefits to the residents of Peterborough and the wider travelling public, resulting in improvements to; condition of roads, public transport, road safety, accessibility and the environment. These benefits will be lost if the programme is not delivered
- 8.2 Agree an alternative works programme: The A47 junction 18 programme of Works put forward has been developed in consultation with a wide range of key stakeholders and assessed to ensure it meets the objectives and provide value for money.
- 8.3 Different options have been considered to replace the structure. All need at grade crossings in place to manage pedestrian diversion while demolition and subsequent replacement takes place. The cost of replacing the structure, depending on design, would be between £20m to £30m which the Council cannot afford.
- 8.4 The Council has also considered procuring the works via the open market or utilising the MHA Framework, but these options were not pursued for the reasons set out in paragraphs 7.11 to 7.16.

9. LEGAL IMPLICATIONS

- 9.1 The Highways Act 1980 provides that, the highway authority for a highway maintainable at the public expense, is under a duty to maintain the highway. This requires that the highway has to be maintained so that it is reasonably passable by the ordinary traffic of the area. Failure to identify a timely programme of works could result in a risk that the Council may not meet its legal duty to maintain the highway.
- 9.2 In addition the legal implications of not approving the A47 junction 18 programme of Works outlined in this document may mean that the Council cannot meet its strategic transport and highway priorities for Peterborough following a substantial period of consultation with stakeholders and partners.
- 9.3 The legal and financial implications of approving the A47 junction 18 programme of Works 2017/18 are that the highway network can be maintained thereby meeting the statutory duty to maintain the highway, thereby meeting the Council's transport objectives.
- 9.4 Legal implications – The Council is placing further works packages under the existing Peterborough Highway Services Contract pursuant to its powers contained in sections 30, 38, 43, 50, 96, 134, 278 and 301 of the Highways Act 1980. The Peterborough Highway Services Contract was procured under the Competitive Dialogue Procedure (under

regulation 18 of the Public Contracts Regulations 2006) and permits the Council to call-off further works which are within the scope of the contract.

10. FINANCIAL IMPLICATIONS

- 10.1 Approving the recommendation will ensure that that the planned expenditure is consistent with the capital program of works via the performance measurement and efficiency mechanisms built into the Peterborough Highway Services Contract.

11. PROCUREMENT IMPLICATIONS

- 11.1 There are no procurement implications.

12. EQUALITY IMPLICATIONS

- 12.1 An Initial Equality Impact Assessment has been carried out and there are no detrimental effects associated with the Scheme. In addition, further consultation will be undertaken to ensure that the views of different groups are carefully considered before the Scheme is constructed. Please see Appendix A for the completed equality impact assessment..

13. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 13.1 None

14. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

- Peterborough Local Transport Plan 4 (2016 – 2021)
- <http://www.peterborough.gov.uk/ltp>
- 2008 Public Realm Strategy
- https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/jobs-and-careers/schools-and-education/strategies-policies-and-plans/strategies-policies-and-plans/strategies-policies-and-plans/strategies-policies-and-plans/strategies-policies-and-plans/strategies-policies-and-plans/planning-and-development/Planning-Policies-Evidence-BuiltEnv_publicrealmstrategy2008.pdf?inline=true

15. APPENDICES

- Appendix A: Equality impact assessment

Initial Screening Equality Impact Assessment Summary for Junction 18 Improvements

Title of report and name of service/policy/activity: Junction 18 capacity improvements				
Equality Groups	Positive Impact	Negative Impact	No Specific Impact	What will the impact be? If the impact is negative, how can it be mitigated?
Race/Ethnicity			X	
Disability	X			The removal of the bridges and introduction of at-grade crossings will be of detriment to some disability groups i.e. blind and partially sighted given that they are now crossing live traffic lanes. However the at-grade facilities will benefit mobility impaired users as there are no ramps to negotiate. Overall, it is considered that there would be a neutral impact
Religion/Belief			X	
Sexual Orientation			X	
Gender			X	
Age			X	
Gender Re-Assignment			X	
Pregnancy and Maternity			X	
Marriage and Civil Partnership			X	
Other (such as deprived communities)			X	

This page is intentionally left blank

Decision details

Approval for Junction 18 (Rhubarb bridge) highway works - AUG17/CMDN/30

Decision Maker: Cabinet Member for Growth, Planning, Housing and Economic Development

Decision status: Called - In

Is Key decision?: Yes

Is subject to call in?: Yes

Purpose:

The Cabinet Member:

1. Authorised the issue of a work package to Skanska Construction UK Limited (“Skanska”) under the Council’s existing Peterborough Highway Services Contract for the Council to undertake improvement works on the A47 Junction 18 (the “scheme”). The total value of the work package will be £5.5m made up of £2.5m budget spend for 17/18 and £3m budget spend for 18/19. In addition to the work package for £5.5m, the Council allocated a budget of £192, 600 in previous financial years, towards payment to Skanska for the design of the Scheme.
2. Authorised the Director of Growth and Regeneration to vary the work order value when required subject to;
 - i. available budget being in place;
 - ii. the total sum of each variation not exceeding £100,000;
 - iii. the combined value of any authorised variation(s) do not exceed the total sum of £500,000.

Any variations are to be made in prior consultation with internal audit, finance and legal services.

Reasons for the decision:

The roundabout at Junction 18 is currently running at full capacity at peak times, these works are vital to accommodate future growth. The pedestrian/cycle bridge currently requires significant maintenance works each year and the cost of these works is rising year on year as the structure nears the end of its serviceable life. It is not financially viable to provide a new pedestrian/cycle bridge.

The Peterborough Long Term Transport Strategy (LTTS) (2011-2026) and the fourth Peterborough Local Transport Plan (LTP4) (2016-2021) were developed in consultation with a wide range of key stakeholders. The Council considered a range of transport interventions to best address local problems, meet the growth aspirations of the city and integrate the Government’s transport priorities agreed nationally by the Local Government Association and the Department for Transport. The assessment and appraisal of options involved:

- Policy Fit (meets objectives of the strategy)
- Cost Benefit Analysis (value for money)
- Key Performance Indicator Assessment
- Network Improvement Impact Assessment
- Equality Impact Assessment (EIA)
- Strategic Environmental Assessment (SEA)
- Habitats Regulation Assessment (HRA)

In the future there will be a new Local Transport Plan prepared by the Combined Authority.

Peterborough Highway Services contractual arrangements with Skanska Construction (UK) Ltd:

Highway services delivered by the Council acting as Local Highway Authority have been subject to annual budget reductions and have delivered significant savings internally through service efficiencies, streamlined staffing and income generation, as well as robustly challenging existing suppliers. In 2013 the Council recognised that in order to take these achievements even further, it needed to have an external partner to work with to consolidate existing service provision both external and in-house to:

- deliver synergies across a wide range of service provision;
- provide inward investment;
- guarantee further savings and value for money services;
- serve as a catalyst for change; and
- bring wider benefits to the city (such as local job creation).

The Council advertised the Peterborough Highway Services Contract in the Official Journal of the European Union in line with the Public Contracts Regulations 2006 for interest from bidders wishing to be considered as the Council's potential Partner for Peterborough Highway Services. An envisaged contract period for the partnership was stated as being ten years with the ability to extend it for two further periods of five years each.

Due to the complex range of services to be delivered by Peterborough Highway Services, the Council chose to use the Competitive Dialogue Procedure under the regulations so the Council could develop with the bidders the service scope, innovative solutions and growth potential in terms of improved service delivery and pricing. Strong emphasis was placed on the Council's desire to work in a collaborative and partnering style and that it wished to see bids that combined all the necessary qualities that the Council was seeking to achieve from the procurement process. The Competitive Dialogue procedure consisted of four stages, as follows:

- Stage 1: Prequalification
- Stage 2: Outline Proposals
- Stage 3: Detailed Proposals
- Stage 4: Final Tender

Following a rigorous year-long competitive dialogue process and thorough evaluation of tender documents, the Council awarded a contract to Atkins Limited dated 18 September 2013. By an agreement also dated 18 September 2013, the contract was novated to Skanska as the Council's preferred supplier, culminating in 2013 with the establishment and award of Peterborough Highway Services Contract 2013-2023. This process was ratified by a Cabinet Member's Decision Notice (AUG13/CMDN/068).

The CMDN established the principle of evolution of the partnership and identified the potential for additional services to come within the scope of the Contract at a later date. Clause Z13.2 of the Peterborough Highway Services Contract 2013-2023 provides the legal basis for extending the scope of works delivered by Skanska.

Project delivery

The A47 junction 18 programme of Works is being carried out by Skanska through the Professional Services element of the Peterborough Highway Services Contract 2013-2023. Although the majority of the work will be carried out by Skanska under the existing Peterborough Highway Services Contract, certain aspects of the work may be awarded to

third parties and to utility companies. The Council will seek separate approvals through the governance process to make these awards.

It is recommended that the current Peterborough Highway Services Contract 2013-2023 should also be utilised as the delivery mechanism for the physical works. The Conditions of Contract are the core clauses of the NEC3 Engineering and Construction Contract June 2005 (with amendments June 2006 and September 2011). The works will be priced by the Contractor using Option C: Target contract with activity schedule.

In this option the Contractor tenders a target price using an activity schedule in which each activity is priced as a lump sum plus fee. During the course of the delivery, the target price is adjusted to cater for compensation events that are set out in the contract. Payment is made on the basis of actual costs plus fee. Within Option C, Target Contract, there is an incentive mechanism for the Contractor to minimise costs with both savings and overspends shared between both client and contractor. The sharing of risk in the target cost approach is likely to reduce the occurrence of disputes between both parties.

In the past the Council used its Professional Services Partner for the design and supervision role for major schemes in excess of £500,000 and procured the delivery element either via a competitive tender on the open market or through an established Framework Agreement such as the Midlands Highway Alliance or the Eastern Highways Alliance. Whilst these procurement routes have proven successful the tender process can lead to delays in awarding contracts which presents a significant financial risk.

When procuring works via the open market, there are significant costs associated with the preparation of open market tenders for each project in terms of staff time and resource. These effectively cancel out any potential savings that could be generated by procuring works in this way, and the potential benefits of design and build efficiencies can be lost when the two key components of a Scheme are completed by different contractors.

In recent years the Council has procured its major public realm and transportation projects through the Midlands Highway Alliance (MHA) Framework Agreement. In addition to the annual membership fee, a fee is charged for each project using its Medium Schemes Framework Contract (MSF1) on an escalating scale, calculated against the initial target price. In utilising the existing Term Service Contract with Skanska the Council will avoid the project fee and in doing so will realise an immediate efficiency for each project delivered.

To place this into context, the MHA fee for using the MSF1 Contract on a typical construction project target costed at £1.0m would be £12,000. This fee would not be incurred if delivered by the Peterborough Highway Services contract.

In addition to the project fee, in April 2014, the MHA launched a new version of its Medium Schemes Framework Contract (MSF2) which replaced the MSF1 Contract. To date, no works have been procured by the Council under the MSF2 Contract. As such, it remains untried and untested as a delivery mechanism for major projects. A number of new contractors have been accepted onto the MSF2 Framework and several of these have no proven track record of delivering major projects for the Council.

Following evaluation of the alternative procurement mechanisms detailed above it is considered that the Peterborough Highway Services contract provides the most suitable delivery mechanism of the A47 junction 18 programme of Works. Utilising the existing Highway Services Contract will mean that the Council will realise the following benefits:

- Reduced procurement costs by using an existing framework contract.

- Improved project management and cost certainty through the utilisation of a target cost style of contract.
- Reduced construction costs through 'Early Contractor Involvement' (ECI) at the design stage to manage and mitigate more effectively any potential build issues with the design.

Representing Best Value

When the Peterborough Highway Services Contract was awarded to Skanska it was viewed as having submitted the most economically advantageous tender submission, thereby demonstrating best value in the market place. This is something that Peterborough Highway Services has continued to demonstrate via robust contract management tools such as adoption of the Peterborough Highways Performance Manual and the adoption of Key Performance Indicators (KPIs).

The Peterborough Highway Performance Manual sets out the process for measurement and management of performance in delivering the contract requirements. The Peterborough Highways Performance Hierarchy gives the Partnership a standard approach to capturing performance data in order to achieve:

- Visibility of service provider performance.
- Consistency in the data captured.
- Benchmarking of performance results.
- Capturing continuous improvement.
- The service areas for the Highway Services Contract are:
- Operations (responsive Highway Service)
- Commercial and Financial
- Added value
- Customer Service

Performance is monitored in line with these four weighted 'domains', providing regular visibility of the service leading to better, more informed decision making on where resources and improvement efforts need to be focussed.

Regular reviews of the Performance Hierarchy are undertaken by the Peterborough Highways Operation Team (PHOT) in order to capture lessons learned and support continuous improvement of the process. The hierarchy is updated on an annual basis with reviews used to refocus the service areas to align with the changing needs of the Council and reflect the associated movement of the Partnership's objectives.

A series of Key Performance Indicators (KPI's) are used to evaluate performance under the Highway Service Contract. They are collated on a monthly basis and summarised on a dashboard with status shown as either, 'Green', 'Amber' or 'Red' against an agreed target percentage. All the monthly KPI scores will contribute to an annual, overall performance score for the Contract. This will be used to determine whether extensions to the Contract are awarded to Skanska when the current term expires.

One of the Operational KPI scores used to evaluate the performance of the Contract relates specifically to accurate target cost forecasting (KPI OP13). The information collected to calculate the KPI is the initial target cost, the final target cost figure including agreed compensation events and the final defined or 'actual' costs of the works. This indicator measures the difference between the final target cost and the final defined cost expressed as a percentage. The agreed target for the Highway Service Contract is for ninety-five per cent of all Scheme target costs to come within +/- ten per cent of the final defined costs. The

expectation is for Skanska to better understand the concept of cost not price and the factors that influence cost changes to ensure that target costs are being jointly and correctly set.

Service credits will be incurred in the event that performance targets are not met although they can be nullified where the overall annual performance score for the contract exceeds ninety-five per cent. The relationship between the level of failure and the service credit is linear. It is subject to agreement between the Contract service manager and the PHOT prior to the start of each year. The key benefit of this tapered arrangement is that the service provider is rewarded for each percentage improvement to performance whilst ensuring that poor performance is penalised. This incentivises the service provider to invest in the service and deliver continuous improvement for the Partnership.

Given the performance mechanisms detailed above and as a result of Skanska's documented performance since the commencement of the Highway Service Contract in October 2013 it is recommended that they are the contractor selected to deliver the A47 junction 18 programme of Works utilising the Peterborough Highway Services Contract 2013-2023. In addition to proven quality and value for money as demonstrated by the adoption of the Peterborough Highways Performance Manual and KPIs, this route would also deliver:

- An increased turnover rebate from Skanska to the Council.
- Design and build end-to-end efficiencies.
- Increased economies of scale.
- Greater opportunity to retain work in the local area.
- Security of materials and resources supply.
- Innovation.
- Increased efficiencies and revenue benefits for access to additional work at zero bid cost.

The use of an NEC3 Option C Target Cost Contract will demonstrate value for money as the payment mechanism will give the Council full transparency over all costs and the pain/gain mechanism will further encourage Skanska to drive down costs and maximise efficiencies.

In order to improve the delivery of major projects Skanska have proposed the creation of a 'Core Management Team' with the express aim of planning, co-ordinating and implementing Council major capital projects. This team will also look to pursue additional Third Party Schemes (for other Council Directorates and Departments) through the Highway Service Contract to generate economies of scale.

The creation of a dedicated team to deliver major projects removes the need for the Council to engage another Professional Service Provider to administer, manage and supervise the contract on its behalf. As an example, the current fee charged by the MHA to use its Professional Services Partnership is one per cent of the total value of the work charged through the framework to the member in question.

In addition to the immediate savings associated with each project Serco, the Council's procurement partner have been in discussions with Skanska with regards to additional efficiency opportunities that can be generated within the Contract. A number of options have been explored and agreed in principle subject to increased contract turnover associated with the delivery of schemes greater than £500,000.

Alternative options considered:

Not to deliver a programme of works: Successful delivery of the proposed programme of works will provide significant benefits to the residents of Peterborough and the wider

Appendix 3

travelling public, resulting in improvements to; condition of roads, public transport, road safety, accessibility and the environment. These benefits will be lost if the programme is not delivered

Agree an alternative works programme: The A47 junction 18 programme of Works put forward has been developed in consultation with a wide range of key stakeholders and assessed to ensure it meets the objectives and provide value for money.

Different options have been considered to replace the structure. All need at grade crossings in place to manage pedestrian diversion while demolition and subsequent replacement takes place. The cost of replacing the structure, depending on design, would be between £20m to £30m which the Council cannot afford.

The Council has also considered procuring the works via the open market or utilising the MHA Framework, but these options were not pursued for the reasons set out in paragraphs above.

Interests and Nature of Interests Declared:

None.

Background Documents:

- Peterborough Local Transport Plan 4 (2016 – 2021)
- <http://www.peterborough.gov.uk/ltp>
- 2008 Public Realm Strategy
- https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/jobs-and-careers/schools-and-education/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/planning-and-development/Planning-Policies-Evidence-BuiltEnv_publicrealmstrategy2008.pdf?inline=true

Publication date: 09/08/2017



Date of decision: 09/08/2017

Date comes into force if not called in: 15/08/2017

Call-in deadline date: 14/08/2017

Current call-in Count: 0

Accompanying Documents:

- [Appendix A EIA Screening J18](#)  PDF 44 KB
- [CMDN - A47 Junction 18 PUB](#)  PDF 114 KB

GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE	AGENDA ITEM No. 4
29 AUGUST 2017	PUBLIC REPORT

Report of:	Simon Machen, Corporate Director of Growth and Regeneration	
Cabinet Member(s) responsible:	Councillor Peter Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Andy Tatt, Head of Peterborough Highway Services	Tel. 01733 453469

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

R E C O M M E N D A T I O N S	
FROM: Simon Machen, Corporate Director of Growth and Regeneration	Deadline date: N/A
<p>It is recommended that the Growth, Environment and Resources Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider the response to the Call-in Request and decide to take no further action, in which case the original executive decision will be effective immediately. 2. To endorse the proposal that the Council has agreed to explore another temporary option to extend the life of the pedestrian/cycle bridges should this be technically and financially viable. Such changes would not affect the award of a £5.5m package of works to Skanska as requested in Executive Decision AUG17/CMDN/30. 	

1. ORIGIN OF REPORT

- 1.1 This report follows notification of the intention to call in Executive Decision AUG17/CMDN/30 - Junction 18 (Rhubarb Bridge) Highway Works.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to respond to the issues raised in the Call-in Request relating to Executive Decision AUG17/CMDN/30 - Junction 18 (Rhubarb Bridge) Highway Works.

- 2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3, Scrutiny, sub paragraph 3.3 Hold the Executive to account for the discharge of functions in the following ways:

(f) By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions which have been delegated to an officer.

- 2.3 The delivery of a £5.5m package of improvement works to Junction 18 of the A47 directly contributes to the council's priorities, in particular the priority to drive growth, regeneration and economic development. This is because a significant part of the proposed scheme is to increase capacity for vehicles to accommodate the planned growth of the city. This includes improving the efficiency of the traffic signals and an additional lane on one section of the roundabout to avoid

congestion.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
---	-----------	----------------------------------	------------

4. **BACKGROUND AND KEY ISSUES**

4.1 Junction 18 is a fully signalised key interchange within the parkway network which provides access to the city centre via the A15 Bourges Boulevard, the north of Peterborough via the A15 Lincoln Road and the A47. Approximately 60,000 vehicles use the junction daily, 1,260 pedestrians and 540 cyclists. The junction includes six bridges which provide elevated access over the circulatory carriageway of Junction 18 and access beneath the A47 Soke Parkway via an underpass. The bridges were constructed in the 1970s as part of the New Town infrastructure.

The Local Transport Plan 4 (LTP4), which was considered by Scrutiny Committee and subsequently adopted by Council in January 2016, identifies Junction 18 as a scheme to be delivered within the period of the plan (2016-21). The proposed package of work that has been developed as a result of this and as part of Executive Decision AUG17/CMDN/30 will:

- Remove the pedestrian and cycle bridge and replace these structures with at-grade crossings. The LTP4 states that the removal of bridges is required because they require significant maintenance work each year, the cost of which is continuing to increase as the condition of bridges deteriorate further, and that maintenance work alone will be insufficient resulting in ultimate closure of the bridges. Appendix A provides a summary report detailing the current condition of the bridges.
- Increase capacity and reduce congestion. The capacity improvements would include widening on the north and east segments of the circulatory carriageway of the roundabout and on the westbound off-slip from the A47 and northbound A15 approaches. In addition, the exits onto the westbound A47 on-slip and A15 north would also be widened.
- The signals would be upgraded to run on a sophisticated system that would allow them to react on a real-time basis to varying levels of traffic from vehicles, pedestrians and cyclists including provision to cater for extreme traffic events.

The cumulative impact of the capacity improvements would be to increase the overall capacity of the junction by up to 18% in the morning peak time and up to 24% in the afternoon peak time. There are currently 60,000 vehicles per day using the junction, with 52,541 vehicles observed during a recent (2016) 12-hour traffic survey (7am to 7pm). During that survey the morning peak hour (8am to 9pm) traffic flows were observed at 4,919 vehicles, and which are forecast to increase to 5,047 vehicles by 2021 and 5,537 vehicles in 2031. This represents a 2% (by 2021) and 12% (by 2031) increase in baseline traffic flows respectively. The corresponding PM peak hour (5pm-6pm) flows were observed at 5,178 vehicles and are forecast to increase to 5,311 vehicles by 2021 and 5,745 by 2031, respectively representing a 2% and 11% increase in traffic.

The public engagement activity that is currently underway with user groups and the public is designed to gather views on the detailed design of the proposed scheme included in LTP4 to ensure it works in the best way possible for pedestrians, cyclists, motorists and all other users. As a result of this ongoing engagement the council is currently exploring a temporary option, which is to explore the technical and financial feasibility of re-assigning the proportion of the overall budget allocated to demolish the footbridges to instead make significant repairs to the bridges. The aim of this is to keep them in operation for the next 5 or so years. This would however only be a short term solution as the bridges will have to be replaced at some point in the future and this option will result in a more costly scheme overall.

At the time of writing this report detailed feasibility work is being undertaken. If following this investigation we are able to extend the life of the bridges within the existing allocated budget, the council would then use that time to attempt to seek external funding opportunities to pay for replacement bridges. However, if we are unable to extend the life of these structures we would

have to go ahead with the scheme proposed, with the detailed design amended to take into account feedback from consultation. This would not prevent bridges being constructed in the future and we would commit to try and identify the necessary funding if this were the case.

The council recently submitted a £3.85m National Productivity Investment Fund (NPIF) bid to the Department for Transport (DfT) towards de-congestion improvements at Junction 18. The funding available from the DfT has been specifically designed to target schemes that either: ease congestion; unlock job creation opportunities; or, enable the delivery of new housing developments. Thus, the funding opportunity was not available towards maintenance or pedestrian/cycle structures, and therefore the bid focussed on the decongestion benefits of the present Junction 18 proposal. The council understands that it will learn if this bid has been successful in autumn.

Crucially, irrespective of whether the council is able to replace the footbridges or not, pedestrian crossings will need to be installed. This is because there would still be a period of time with no operational bridges preventing people from crossing the junction.

Regardless of the specific details of the final scheme it is necessary to allocate a £5.5m package of works to Skanska as detailed in Executive Decision AUG17/CMDN/30. The existing Peterborough Highway Services contract with Skanska is felt to be the most suitable delivery mechanism for this scheme because: there will be reduced procurement costs by using an existing framework contract; improved project management and cost certainty through the utilisation of a target cost style of contract; and reduced construction costs through 'Early Contractor Involvement' (ECI) at the design stage to manage and mitigate more effectively any potential build issues with the design.

- 4.2 The LTP4 is a statutory document that the council produces every five years. The LTP4 covers the short term period 2016 to 2021 and significant work goes into producing this document, including gathering information to inform which schemes should be brought forward during the time period covered by the plan.
- 4.3 The detailed reasons for the call-in request and responses detailing why this matter should not be called in are set out below:

Reason one: The need to replace Rhubarb Bridge has been flagged up in the council's Local Transport Plan programme of works for a number of years. However, no detail of what is proposed to replace the current bridge has been published. Local ward councillors have asked officers on numerous occasions to ensure that before any final decision was made, local people were properly consulted on the options available.

Response to reason one: The Local Transport Plan 4 (LTP4), which was considered by Scrutiny Committee and adopted by Council, detailed the council's intention to deliver a scheme to remove Rhubarb Bridge. Furthermore the LTP4 specifically states that this scheme would 'see the removal of the pedestrian and cycle bridge over Junction 18 and under the A47. This footbridge will be replaced with at-grade pedestrian/cycle crossings, incorporated into the traffic signals on Junction 18' (Page 94 and 95). The LTP4 was presented and discussed at the Sustainable Growth and Environment Capital Scrutiny Committee on 6 of January 2016, Cabinet on 18 January 2016 and then adopted at Full Council on 27 January 2016. No comments were recorded in these meetings in relation to this junction.

In addition, the proposed scheme was listed in the MTFs 2017/18 (phase two) which was subject to public consultation from 27 January 2017 to 6 March 2017. During this period further details were requested about this scheme and it was clarified at Council that the scheme would involve removal of the pedestrian and cycle bridges to be replaced by at-grade crossings.

As the decision to remove the pedestrian and cycle bridge and replace this with at-grade crossings has already been taken through the council adopting the LTP after consultation, decision AUG17/CMDN/30 is seeking authority to award a £5.5m package of works to Skanska Construction UK Limited in line with the council's decision making process. The public

engagement activity that is currently underway with user groups and the public is on the detailed design of the proposed scheme to ensure it works in the best way possible for pedestrians, cyclists, motorists and all other users, rather than to consider alternative options.

Reason two: We are told in the decision notice that alternative options were considered but they are dismissed as being too expensive. No detail of any alternative option has been published, no information on them was ever given to ward councillors and certainly no public consultation on them has ever taken place. This bridge is at a strategic junction at the intersection of four council wards and is an important route in the north of the city for pedestrians and cyclists.

Response to reason two: The information included in the decision notice refers to initial investigations that were undertaken, as part of the development of LTP4, which found the cost of constructing replacement pedestrian and cycle bridges at this junction to be prohibitive. As such the LTP4 made clear that the scheme would involve removing the pedestrian and cycle bridges and replacing them with at-grade crossings.

The council agrees that this is an important route for all users. As such the council is currently undertaking a period of public engagement to ensure that user groups and the public are able to express their views on the detailed design to ensure it works in the best way possible for pedestrians, cyclists, motorists and all other users. As a result of this exercise the council has, as detailed above, committed to exploring a temporary option to extend the life of the bridges for a short period of time.

Reason three: There is currently consultation on the Council's preferred option of installing at grade crossings. The public is effectively being informed what has already been decided, rather than being consulted on it. This impression is made all the more obvious by the fact that Cllr Hiller signed the decision notice to award the contract and implement the scheme before the main public consultation drop in event had been held: it took place on the evening of Weds 9 August. So there is no possibility that views expressed by the public at this event have been taken into account in making the decision.

Response to reason three: The decision to install at-grade crossings was taken as part of the adoption of the LTP4 and the MTF5 2017/18 phase two proposals, both of which were considered by Scrutiny Committee and agreed by Council. The CMDN signed by Cllr Hiller (AUG17/CMDN/30) is seeking authority to award a £5.5m package of works to Skanska Construction UK Limited in line with the Council's decision making process. This process requires that all decisions in excess of £500k and/or have a significant impact on two or more wards in Peterborough are classed as 'key' and should therefore be placed on the Forward Plan and be decided by the relevant Cabinet Member.

As detailed above (response to reason two) public engagement is currently underway and the response to this engagement will inform the detailed design. This includes exploring a temporary option to extend the life of the bridges for a short period of time.

Reason four: Making a decision before public consultation has been completed is clearly not acting "for a proper purpose and in the interests of the public (para d) of article 11 of the council constitution). Acting in such a way is clearly not a fair or correct procedure (para f) of article 11). There is no evidence of what other options were considered or any detail of their costings and members of the public (or indeed ward councillors) were not consulted on any of them (para a) of section 11).

Response to reason four: As detailed above the decision to install at-grade crossings was taken as part of the adoption of the LTP4 and the MTF5 2017/18. The CMDN signed by Cllr Hiller (AUG17/CMDN/30) is seeking authority to award a £5.5m package of works to Skanska Construction UK Limited in line with the Council's decision making process.

5. CONSULTATION

5.1 The decision to remove the pedestrian and cycle bridges and replace them with at-grade

crossings is detailed in the LTP4. The LTP4 was subject to a period of public consultation that included: directly sending a leaflet, outlining the proposals for LTP4, to key stakeholders and interested parties (254 in total) and providing hard copies at the Town Hall and Bayard Place; publicising the consultation on the council website and social media (Facebook and Twitter); placement of an advertisement in the local newspaper, Peterborough Telegraph and coverage on local radio; and, daytime and evening 'drop in' events held at the Town Hall. The LTP4 was presented and discussed at the Sustainable Growth and Environment Capital Scrutiny Committee on 6 of January 2016 and then adopted at Full Council on 27 January 2016. No comments were recorded in the minutes of these meetings that expressed any concern about this scheme.

In addition consultation on the proposed scheme took place as part of the MTF5 2017/18 phase two earlier this year. This was adopted by Council, alongside the £5.5million budget, on 8 March 2017 with a majority of 37 for, 12 against, 5 abstentions.

The Council is currently undertaking a period of public engagement to ensure that user groups and the public are able to express their views on the detailed design to ensure it works in the best way possible for pedestrians, cyclists, motorists and all other users. This includes ongoing discussion with the Disability Forum to ensure the final scheme supports the needs of users.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that the decision to authorise the issue of a work package to Skanska Construction UK Limited should proceed as outlined in Executive Decision AUG17/CMDN/30. This will enable the Council to implement the decision made in the LTP4 and MTF5 2017/18 both of which were scrutinised and agreed by Council.

7. REASON FOR THE RECOMMENDATION

- 7.1 The recommendation to proceed with decision AUG17/CMDN/30 will enable the Council to implement the decision made in the LTP4 and MTF5 2017/18 both of which were scrutinised and agreed by Council.

Decision AUG17/CMDN/30 seeks authority to award a £5.5m package improvement works at junction 18 to Skanska. This decision does not outline the detailed design which will be finalised once feedback from stakeholders and residents has been reviewed and the design updated accordingly. In line with the commitment outlined by this report this may see the inclusion of an option to undertake works to extend the life of the bridges whilst seeking to secure external funding to provide a permanent replacement.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Not to deliver a programme of works at this junction: this option has been ruled out because the need to undertake an improvement scheme at this junction was included in the LTP4 and MTF5 2017/18, both of which were scrutinised and agreed by Council.

9. IMPLICATIONS

Financial Implications

- 9.1 There are no new financial implications as a result of Executive Decision AUG17/CMDN/30 because a £5.5million budget for these works and the outline scheme including the removal of bridges was agreed as part of the MTF5 2017/18 budget by Council in March 2017.

Legal Implications

- 9.2 The Highways Act 1980 provides that, the highway authority for a highway maintainable at the public expense, is under a duty to maintain the highway. This requires that the highway has to be maintained so that it is reasonably passable by the ordinary traffic of the area. Failure to identify a timely programme of works could result in a risk that the Council may not meet its statutory duty

to maintain the highway.

In addition the legal implications of not approving the A47 Junction 18 Programme of Works outlined in this document may mean that the Council cannot meet its strategic transport and highway priorities for Peterborough that have been accepted in the LTP4 and MTFS 2017/18 also accepted by Council.

Equalities Implications

- 9.3 An Initial Screening Equality Impact Assessment Summary has been undertaken which shows that there is 'no specific impact' on any of the identified user groups other than those with a disability. This is because the removal of the bridges and introduction of at-grade crossings will be of detriment to some disability groups i.e. blind and partially sighted given that they are now crossing live traffic lanes. However the at-grade facilities will benefit mobility impaired users as there are no ramps to negotiate. Overall, it is considered that there would be a neutral impact.

Rural Implications

- 9.4 No specific implications are noted in relation to this report.

Crime and Community Safety Implications

- 9.5 A member of Cambridgeshire Constabulary's Crime Prevention Design Team has been actively involved in the current public engagement activity taking place as part of this scheme and will be inputting their views as appropriate to inform the final detailed design.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 *Peterborough's Local Transport Plan 4 (LTP4):*
<https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/jobs-and-careers/schools-and-education/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/strategies-polices-and-plans/LongTermTransportStrategyAndLocalTransportPlan4-April2016.pdf?inline=true>

Medium Term Financial Strategy 2017/18 (MTFS):
<https://www.peterborough.gov.uk/upload/www.peterborough.gov.uk/council/consultations/PhaseTwoBudgetProposals-201718.pdf?inline=true>

Council Papers 8 March 2017:
<http://democracy.peterborough.gov.uk/documents/s30386/9a.%20Council%208%20March%202017%20Budget%20Book.pdf>

11. APPENDICES

- 11.1 Appendix A: Summary of the pedestrian/cycle structures at Junction 18

Appendix A

Summary of the pedestrian/cycle structures at Junction 18

Junction 18 is a fully signalised key interchange within the parkway network which provides access to the City Centre via the A15 Bourges Boulevard, the north of Peterborough via the A15 Lincoln Road and the A47. Approximately 60,000 vehicles use the junction daily, 1,260 pedestrians and 540 cyclists. The junction includes six individual pedestrian/cycle bridges that together provide the only access over the circulatory carriageway of Junction 18 and access beneath the A47 Soke Parkway via an underpass. The bridges are complex structures made up of over 30 piers and 20 beams that were constructed in the 1970's during the 'New Town' phase of development. Figure one shows the current bridge and underpass layout.

Figure one:



Current challenges:

The existing bridges have been repaired for a number of years however the deterioration of the structures has now reached a point where repairs are becoming increasingly more difficult and uneconomical. The structural issues include:

Piers – There are over 30 piers to the structure and these have been subject to numerous repair attempts due to cracking and high chloride content causing corrosion. These repairs have had the effect of moving the problem to the remaining original concrete of which there is a diminishing amount. The design of the piers attracts a weak point on the inside corners of the fork and there is cracking at these points which demonstrates the stresses that the piers are under. The piers are also at risk from impact loadings from traffic. If a HGV was to run off the road and hit one of the piers the likely outcome would be the collapse of the bridge as the piers would not resist significant impact.

Beams – The beams carry the footbridge over 20 spans and some have structural properties with inherent explosive failure that are showing signs of cracking and have high chloride content at the beam ends. Some of the beams are also low enough to be at risk of impact from errant HGVs which could act to dislodge a beam.

Landings - At the junction of many of the precast beams there are insitu concrete landings which show signs of corroding reinforcement and deterioration of the concrete. The worst of these are at the major hubs of the beams

on each side. The repair of these landings will require them, and therefore the bridge, to be closed for a considerable time.

Bearings – The bearings are past their design life and causing unwanted excess strain to the beams and piers.

Joints – The joints have major drainage problems which leaves them saturated for most of the winter. This exacerbates the corrosion problems with the structure.

Parapet railings – The parapet railings are not up to standard for a foot/cycleway bridge and are suffering from anchorage problems.

The following images highlight some of the structural issues:

Figure two: The top of the slender piers that carry the landing and main beam is basically splitting due to poor concrete and corroded reinforcement. The smooth sections are previous repairs that are showing signs of cracking. These areas have now been wrapped in kevlar.



Figure three: This photograph shows the original workmanship faults of the insitu concrete material and the bearing pad in very poor condition



Figure four: Sheets of poor concrete have spalled from the piers exposing the corroded reinforcement



Figure five: Concrete falling from the piers and repairs already showing signs of delamination



Figure six: Very significant cracking to already repaired areas of the fork of the piers where stresses are at their maximum.



In addition there are a number of non-structural issues to take into account. These include:

Capacity - Junction 18 is frequently operating at capacity during peak periods, with frequent queuing on all approaches. The capacity improvements would include widening on the north and east segments of the circulatory carriageway of the roundabout and on the westbound off-slip from the A47 and the northbound A15 approaches. In addition, the exits onto the westbound A47 on-slip ("up and over" towards Junction 17) and A15 northbound would also be widened.

The signals, previously installed in the mid 1990's, would be upgraded to run on a sophisticated system that would allow them to react on a real-time basis to varying levels of traffic including provision to cater for extreme traffic events.

The cumulative impact of the capacity improvements would be to increase capacity of up to 18% in the AM peak and up to 24% in the PM peak.

Crime - There have been a number of recorded crimes at this junction, namely around the underpass area, including muggings and stabbings. As a result there is a perception of crime in the area exacerbated by the isolated location of the underpass.

Pedestrian surveys have been carried out at various times and it has been noted that pedestrians are taking risks by crossing at grade across the busy slip roads to avoid using the bridges. This is becoming more noticeable where there are desire line paths worn into the adjoining verges under the A47.

The task of using the footbridges is an onerous one as it increases the route by a considerable distance including fairly steep ramps which do not comply with the latest DDA requirements (as superseded by the 2010 Equalities Act)

Maintenance undertaken:

Significant maintenance works have been undertaken including concrete repairs in the early 1990's. Extensive testing and investigation works were undertaken in 1993, 1998 and 1999 which led to extensive repairs to the piers and landings in 2001 and 2006. Over the last ten years further works have taken place including: spalling concrete taken off piers, surfacing and railing repairs; extensive concrete repairs to staircase and local piers; concrete repairs to piers followed by carbon fibre wrapping; and, concrete repairs to piers followed by carbon fibre wrapping, and footpath resurfacing.

The footbridges are now at the stage where small scale repairs as above are no longer effective. If they are to remain, major structural elements need strengthening / replacing as part of an extensive and costly programme of works. In addition most of the repair works that could be completed whilst keeping the bridge open have been exhausted. The remaining areas of defective concrete are largely in areas where the required works would necessitate a bridge closure. This has been avoided as there is no alternative route for pedestrians.

This page is intentionally left blank