

HIGHWAYS, TRANSPORT AND ENVIRONMENT OVERVIEW AND SCRUTINY
PANEL

TUESDAY, 6 DECEMBER 2016

PRESENT: Councillors Hari Sharma (Chairman), Jesse Grey (Vice-Chairman), Malcolm Beer, Marius Gilmore, Paul Lion and Julian Sharpe

Also in attendance: Councillor Phillip Bicknell.

Officers: Wendy Binmore, Simon Fletcher, Craig Miller, Ben Smith and Christopher Wheeler

APOLOGIES

Apologies for absence were received from Cllr Hunt.

DECLARATIONS OF INTEREST

Cllr Sharma – Declared a personal interest as he works for First Group.

MINUTES

RESOLVED: That the Part I minutes of the meeting of the Panel held on 22 November 2016 be approved.

CHARTERS SCHOOL, SUNNINGDALE - WALKING & CYCLING ROUTES

Gordon Oliver, Principal Transport Policy Officer introduced the report to Members and highlighted the following key points:

- Cabinet was held at Charters School in September and this report was a direct result of issues raised around walking and cycling to school safely at that meeting.
- Some of the issues raised included narrowness of foot paths, lack of cycle routes and excessive speeds on Charters Road.
- Four options were recommended to address some of the issues which included:
 - Installing traffic signals at Dry Arch Road rail bridge with a pedestrian facility triggered via a push button unit similar to a Puffin Crossing.
 - Construction of a new footbridge on the western side of Devenish Road to the north of Elm Park.
 - Approach Heathermount School to discuss options for improving the narrow footway across their frontage.
 - Seek to secure a strip of land to the rear of the existing footway across the front of properties on Devenish Road that come forward for planning permission.
- There were a number of options that were not recommended as they would mean removing well established trees or too narrow roads for widening footpaths

Cllr Beer stated he had a strong objection and disgust at three complicated items being notified to the Overview and Scrutiny Panel over the weekend and the day before the relevant meeting. It was in total conflict with Constitution Clause A4 relating to Overview and Scrutiny Panels which refers to Panels normally being notified three weeks before Cabinet. He added it was not good practice or democratic to expect thorough and informed consideration and recommendations in such short timescales as was now becoming normal practice. Cllr Beer stated it was in total conflict with the intention of the LGA Act 2000 in relation to Cabinet and Overview and Scrutiny panels. Cllr Beer went on to say that it was exacerbated by the

absence of full supporting data with reports to support the recommendations which did not enable to Overview and Scrutiny Panels to make a properly considered judgement. The provision of late details to Cabinet exacerbated the situation as that by passed the Overview and Scrutiny Panel and particularly, if in verbal statements the Cabinet is also denied the opportunity to properly consider any knock on effects. Cllr Beer stated that the whole process was being gone through so quickly that Panel Members were not able to give full consideration to recommendations. The Chairman stated it was because this report was such a serious matter; he had spoken with the Panel Administrator about why the report was so late and it was because it had been awaiting final sign off. The Chairman commented that the reports were also emailed electronically and the Charters Walking and Cycling report had been emailed three days previously; Members had the technology at home to read the reports. Cllr Grey stated that Cllr Beer made some good points and the Council needed to endeavour to get things done on time. Cllr Bicknell stated that he understood Cllr Beer's points, however, the Charters paper was in response to children how held Cabinet to account at the previous Cabinet meeting. It was so important to get back to them and the council could not do everything it wanted to do as it did not own the land. It was equally true that because there are only three Members within Cllr Beer's group, it was difficult for them to get through all of the reading of the papers. He added that officers did an excellent precise at the front of the paper so it was not difficult to understand to get around. The council were only spending £130k on this project over two years which was great. Cllr Bicknell stated it would be helpful if Cllr Beer and his colleagues realised that the council was doing the best it could to make walking to school safer. Cllr Sharpe stated he realised there was not as much time as usual to read the report but, it was a simple proposition which was much needed by residents and pupils so, it was just a case of saying yes and getting on with it for the security of the children in the area. Cllr Beer commented he had received a skeleton agenda by post midday on the Saturday and then the report followed after that; he was not criticising officers but, reports needed to be scheduled properly. Simon Fletcher, Strategic Director of Operations stated he appreciated Members needed time to read and digest information.

Gordon Oliver, Principal Transport Policy Officer confirmed that the new footbridge on the western side of Devenish Road was using current contractors to do preliminary costings and to get quotes; inflation had been built into those. The traffic scheme would be different as that scheme might need DfT input but, the costs were known and current suppliers and contractors were being used. Ben Smith, Head of Highways and Transport confirmed that the costs that would be incurred had moved towards fixed cost pricing for projects to the costs did not change. Some of the recommended options would need to have a different contractor appointed to carry out the works so they would be monitored to ensure quality standards were maintained. Any contractor that was carrying out the works would need to apply for a permit just like any other company that wanted to carry out works on a highway.

The Chairman said he was supportive of the plans as 26% of children in parts of the Borough were obese so, if the Borough could help and encourage children to walk and cycle to school, that would help tackle that. He added he received complaints from people that lived near schools about parents parking too close to the school gates and the associated congestion and pollution; if the council could implement similar schemes to this one, it would reduce the congestion, pollution and complaints.

Cllr Beer commented that it would have been helpful if numbers of children who used specific routes had been quoted so the council could get a grasp of the importance of doing something. Item two in the table related to a footpath adjacent to the A30 and was near to Surrey Heath. Cllr Beer wanted to know if the new footpath would be used by pupils from across the Borough boundary. The Chairman responded that it was still needed as the pupils attended an RBWM school. Cllr Beer stated the money could be spent on other things which would help the children of the Royal Borough elsewhere. The Principal Transport Policy Officer confirmed that a postcode plot of pupil addresses gave a rough idea of who used which routes but, that had to be removed from the report due to data protection rules. He added that the new route would benefit children from other local authorities that attended

Charters School. The Head of Highways and Transport confirmed that paragraph 3.1 gave numbers of children which used the routes and costs were listed in paragraph 4.2.

Cllr Bicknell stated the schemes in the paper were doable and that the council was limited in what it could provide as it did not own all of the land. Therefore, the Borough should get on and do what it could as quickly as possible. The Planning Department would negotiate with developers for land that could be used to widen footpaths. Nearly 2,000 pupils attended Charters and those children were someone's son or daughter regardless of where they had come from and there was a duty to keep them safe. The Chairman stated it was a very good scheme and he thanked officers for the hard work they had put into producing the report and the schemes. Cllr Sharpe stated he had looked at the recommended options and they would help improve health and safety so they should be agreed.

UNANIMOUSLY RESOLVED: That the Highways, Transport and Environment Overview and Scrutiny Panel endorsed the recommendations to Cabinet:

That Cabinet:

- i. Approves through the Local Transport Plan capital programme:**
 - **Installation of traffic signals at Dry Arch Road rail bridge incorporating a pedestrian phase.**
 - **Construction of a new footbridge on the western side of Devenish Road to the north of Elm Park**
 - **Discussion with Heathermount School to explore options for improving the narrow footway across their frontage.**
 - **Seek to secure a strip of land to the rear of the existing footway across the front of properties on Devenish Road that come forward for planning permission.**
- ii. Approves allocation of £50,000 from the 2017/18 Safer Routes to Schools budget and £70,000 from the 2018/19 budget for the four pieces of work.**

DELIVERING DIFFERENTLY IN OPERATIONS & CUSTOMER SERVICES - CIVIL ENFORCEMENT OFFICER & COMMUNITY WARDEN SERVICES

Craig Miller, Head of Community Protection & Enforcement introduced the report and highlighted the following key points:

- Cabinet approved in principle in June 2016 for officers to look at merging the civil enforcement offer and community warden roles.
- Market research was carried out on the best way to merge the roles.
- The paper included the updated research results including market intelligence and testing.
- The new report requested a slight change in direction as the original proposal was based on work carried out by other local authorities such as Westminster. However, when officers looked more closely at what they had done, the roles were not to be as originally described which concerned officers.
- The marshal service used by Westminster Council were civil enforcement officers by a different name which did not align with what the officers wanted the Borough's wardens to do.
- Members had also raised concerns regarding aligning the two roles together.
- The market intelligence results had also raised some concerns.
- The paper now requested to amend the proposal to remove the warden element and continue on the civil enforcement route.
- The Lead Member approved a live pilot in the Borough to be conducted with a third party provider.
- That was in operation and was live at the time of the meeting.
- The recommendations were to agree to amend the original proposal and carry out a procurement exercise to see if a third party solution would work and then to appoint a contractor.

- Community warden services had been taken out of the paper altogether and had been put alongside environmental services.
- The Head of Community Protection & Enforcement said the team were looking at multi-skilling officers to preserve community services.

The Chairman stated he understood when the Panel discussed the paper in the past, concerns had been raised by Members so it was good to see that amended. He added that different schemes worked for different councils; community wardens were the eyes and ears of the community so removing them from the proposal was a good thing. Cllr Beer stated he was fully supportive of the proposal and the new paper answered a lot of concerns. It was the right way forward. He was concerned regarding putting parking services to a third party as they would be in it for the profit. Simon Fletcher, Strategic Director of Operations stated the paper did propose that and it put the council in a position to go out to market and get the contract that was right for residents. The Head of Community Protection & Enforcement confirmed that parking was regulated and would be safeguarded so it would not be for profit making. Staff would be protected by TUPE so if Cabinet agreed the proposals, current staff would be protected. The Strategic Director of Operations said the team would test through procurement to maintain control of parking. The pilot was to see if the concept would work in the Borough. The council had been able to hold full control and deployment of resources. The Head of Community Protection & Enforcement confirmed that Cabinet in October 2016 approved the parking strategy which balanced the needs of the Town Centre and Rural areas so any third party provider would have to work to that. Cllr Bicknell commented there would be other papers which would have similar concerns so there was a need to ensure that whatever Cabinet decided on had to be more effective and a high quality service for residents. He added that parking services did make money, but the bottom line was the council then had to spend that money on parking things.

The Head of Community Protection & Enforcement stated the council struggled when events like Ascot took place as the council had small resource issues and that placed pressure on the resources. The proposals meant the council could improve service and increase resources while reducing pressure on parking in the Borough. He added that all financial information would be presented to Panel in April 2017.

RESOLVED UNANIMOUSLY: That the Highways, Transport and Environment Overview and Scrutiny Panel endorsed the recommendations to Cabinet:

That Cabinet:

- i. **Agrees the amendment of the ‘in principle’ approval given by Cabinet on 30 June 2016, removing Community Warden services from the scope of the proposal and that third party service providers now be considered for Civil Enforcement services only.**
- ii. **Delegates authority to the Strategic Director of Operations & Customer Services in conjunction with the Lead Member for Environmental Services to conclude a competitive procurement process for the provision of Civil Enforcement services within the Royal Borough.**
- iii. **Requests a further report be submitted to Cabinet in April 2017 detailing the outcome of the competitive procurement process and if appropriate seeking authority to award a contract to the preferred bidder.**

DELIVERING DIFFERENTLY IN OPERATIONS & CUSTOMER SERVICES - HIGHWAYS & TRANSPORT

Ben Smith, Head of Highways and Transport, introduced the report to Members and highlighted the following main points:

- A paper had gone to Cabinet in June 2016 where Cabinet endorsed and approved agreement in principle for soft market testing.
- The team had received bids back for three lots:

- Lot one: highways management and maintenance, including winter service, street cleansing and projects.
- Lot two: traffic management and ancillary services, including traffic signal maintenance.
- Lot three: Highway and transport professional services, including highways development control and flood risk management.
- Other areas within the department were already outsourced.
- Key conditions relating to in house staff at Tinkers Lane Depot and planning staff were included in the lots.
- Lot one was recommended to be offered to Volkens.
- Volkens had been procured in West Berkshire and Camden on similar work.
- Lot three had been recommended to be offered to Project Centre
- Project Centre were a small to medium sized business that worked with local authorities.
- Lot two had received a bid from Siemens but, it was costly and was not what the team were looking for so the recommendation related to lot two was to not award and do further work on the contract.
- Awards would deliver £90k of savings and then further savings would be made through the restructure of in house residual functions.
- Volkens had their head offices in Hertfordshire but, they would use the council's offices to operate the contract from.
- Only one bid per lot was received. They would still provide good value for money as for street cleaning, that could be provided for less than the Borough currently paid. The team were unable to compare against other bidders as there were no other bidders but, it was still possible to see where the council would make savings.
- The Head of Highways and Transport confirmed the contracts went out to the whole of Europe.
- By contracting services out, although only initially saving £90k, would give the opportunity to realign the service to create further savings.
- Some of the council's contracts were coming to an end so would need to go out to tender to replace current contracts.
- Amey contract ended in March 2017 and also, the flexible elements of the contract had moved on so there was resistance from current contractor to continue to work in the same way.
- Fixed pricing had been used and companies were reluctant to bid on fixed pricing contracts.
- The specifications of each bid set out the challenges and risks if a job was not completed or carried out well. The council would also use key performance measures to measure success of a contract.
- The retained highways and transport team would be charged with maintaining the contracts and dealing with customers and complaints. They would make sure the contracts delivered.
- The waste contractor was outsourced and was delivering the council's core values with a 93% satisfaction rating among residents so that would continue.
- Very little would change in terms of process how residents and Ward Councillors would contact the council to report faults or request things like zebra crossings. But, the person to be contacted would likely be the main change. Anything like a crossing to be installed would follow the same designs as currently used. The design and build would be done in the same place which was not the case currently so that would be a positive change as it would streamline things and make them more efficient.
- Through process mapping, the jobs managed behind the scenes would follow clear and transparent processes.
- The council were already working with main contractors so that would continue with Volkens. Volkens might then sub-contract work out but, the team had met those sub-contractors and due diligence had been done.
- Break clauses would be built into contracts as a normal process.

- Bu outsourcing, there would be staff resilience if someone in the team goes sick or on holiday. Also, with staff being TUPE'd across, those members of staff would have greater opportunities to develop their careers within a larger organisation.
- Paragraph 4.1 explained that years one and two were fixed prices and year three was RPI linked.
- The contracts were for five years with a two year extension if the council was happy with the performance.

Cllr Beer stated there was a backlog of surveys of trees on highways, if the backlog addressed, it would not cost £190k in the future, it would only cost that much in the first year. Cllr Beer wanted that clarified and confirmed.

- ❖ **Action** – Head of Highways and Transport to circulate the Vires to the Panel.
- ❖ **Action** – Head of Highways and Transport to clarify cost of ongoing tree surveys on highways after the first year for Cllr Beer.

RESOLVED UNANIMOUSLY: That the Highways, Transport and Environment Overview and Scrutiny Panel endorses the recommendations to Cabinet that:

- i. **Volker Highways Ltd is awarded the contract to provide Lot 1 – Highways Management & Maintenance for a period of five years with the option of an extension for two more ears subject to satisfactory performance each year.**
- ii. **Lot 2 – Traffic Management and ancillary services is deferred pending further review of required services, budgets and value for money.**
- iii. **Project Centre Ltd is awarded the contract to provide Lot 3 – Highway & Transport Professional Services for a period of five years with the option of an extension for two more years subject to satisfactory performance each year.**
- iv. **The Strategic Director of Operations and Customer Services is authorised to complete the appointment process in accordance with RBWM Contract Rules in consultation with the Head of Legal Services and Lead Member for Highways and Transport.**
- v. **The Strategic Director of Operations and Customer Services is authorised to review and restructure the remaining Highways & Transport service to support the new operating model, subject to approval from Employment Panel in January 2017. To be developed in consultation with the Lead Member for Highways and transport and the Head of Human Resources.**
- vi. **Cabinet consider the option of awarding the tree inspection work? (optional within the Lot 1 contract), to Volker Highways Ltd as part of the contract award.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

To consider passing the following resolution:-

“That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 - 7 of part I of Schedule 12A of the Act”.

The meeting, which began at 5.30 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....