



County Offices  
Newland  
Lincoln  
LN1 1YL

8 January 2016

**Highways and Transport Scrutiny Committee**

A meeting of the Highways and Transport Scrutiny Committee will be held on **Monday, 18 January 2016 at 10.00 am in Committee Room Three, County Offices, Newland, Lincoln LN1 1YL** for the transaction of the business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink, appearing to be 'T McArdle', written over a horizontal line.

Tony McArdle  
Chief Executive

**Membership of the Highways and Transport Scrutiny Committee**  
**(11 Members of the Council)**

Councillors M Brookes (Chairman), A G Hagues (Vice-Chairman), M G Allan, D Brailsford, K J Clarke, R L Foulkes, R J Hunter-Clarke, J R Marriott, N M Murray, Mrs A M Newton and A H Turner MBE JP



**HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE AGENDA  
MONDAY, 18 JANUARY 2016**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1	<b>Apologies/Replacement Members</b>	
2	<b>Declarations of Members' Interests</b>	
3	<b>Minutes of the previous meeting of the Highways and Transport Scrutiny Committee held on 14 December 2015</b>	5 - 12
4	<b>Announcements by the Executive Councillor for Highways, Transport and IT and the Chief Operating Officer</b>	
5	<b>Major Schemes Update</b> <i>(A verbal report by Paul Rusted, Infrastructure Commissioner, in connection with the latest progress on the Council's major highway and transport schemes)</i>	Verbal Report
6	<b>Winter Maintenance Update</b> <i>(A verbal report by David Davies, Principal Maintenance Engineer, in connection with the latest situation of winter maintenance on the Council's highways)</i>	Verbal Report
7	<b>Lincoln Eastern By-Pass - Authority to enter into contract with Network Rail</b> <i>(A report by Lee Rowley, Senior Project Leader, Major Schemes, which invites the Committee to consider a report on the Lincoln Eastern Bypass to enter into a contract with Network Rail for the construction of a railway bridge to allow the road to pass under the Lincoln to Spalding railway line. The views of the Committee will be reported to the Executive Councillor as part of his consideration of this item)</i>	13 - 26
8	<b>Budget Proposals 2016/17</b> <i>(Officers from the Finance and the Environment and Economy Directorates will give a presentation and report on the budget proposals for 2016/17. Comments of this Committee will be passed to the Executive for consideration at their meeting on 2 February 2016)</i>	To Follow
9	<b>Highways and Transport Scrutiny Committee Work Programme</b> <i>(A report by Daniel Steel, Scrutiny Officer, in connection with the Committee's Work Programme)</i>	27 - 34

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**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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**HIGHWAYS AND TRANSPORT  
SCRUTINY COMMITTEE  
14 DECEMBER 2015**

**PRESENT: COUNCILLOR M BROOKES (CHAIRMAN)**

Councillors A G Hagues (Vice-Chairman), D Brailsford, K J Clarke, R L Foulkes, R J Hunter-Clarke, J R Marriott, N M Murray, Mrs A M Newton and A H Turner MBE JP

Councillors: R G Davies, R G Fairman and R A Renshaw attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Mike Coates (Highways Assessment and Laboratory Manager), David Davies (Principal Maintenance Engineer), David Hair (Member Services Manager), Matt Jones (Parking Services Manager), Paul Little (Network Manager North), Paul Rusted (Infrastructure Commissioner) and Steve Willis (Chief Operating Officer)

**49 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS**

An apology for absence was received from Councillor M G Allan.

**50 DECLARATIONS OF MEMBERS' INTERESTS**

No declarations of interest were made at this stage of the meeting.

**51 MINUTES OF THE PREVIOUS MEETING OF THE HIGHWAYS SCRUTINY COMMITTEE HELD ON 26 OCTOBER 2015**

RESOLVED

That the minutes of the previous meeting of the Highways and Transport Scrutiny Committee held on 26 October 2015, be agreed as a correct record and signed by the Chairman, subject to the word "vehicles" being added between the word "parking" and "on" in paragraph No. 5, of minute 46.

**52 ANNOUNCEMENTS BY THE EXECUTIVE COUNCILLOR FOR HIGHWAYS, TRANSPORT AND IT AND THE CHIEF OPERATING OFFICER**

No announcements were made.

## HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE 14 DECEMBER 2015

### 53 MAJOR SCHEMES UPDATE

The Committee received a verbal update on the progress of Major Schemes as follows:-

1. Lincoln Eastern Bypass (LEB) – Awaiting outcome of the Public Inquiry. The Council was working concurrently with Network Rail to deliver Spalding Line overbridge and designing A15 Sleaford R/A to protect planning permission which expired on 10 June 2016.

2. Network Rail Footbridges, Lincoln –The High Street footbridge work was continuing on site with elements of structural steel work imminent and completion of the footbridge expected in May 2016.

Brayford Wharf East-footbridge Network Rail continued to seek an alternative solution that would match the funding envelope available. Should approval be granted to any revised scheme this would be presented at a stake holder workshop in the New Year.

3. Lincoln East West Link – the scheme was currently on programme although delays had been incurred on the Tentercroft Street Bridge due to the supply of poor quality concrete, some of which will need to be replaced. Work had now started on the Heritage Building and the foundations were now complete.

4. Skegness – the Council was examining ways in which the project could be rephrased in order to reduce initial costs. The Greater Lincolnshire Local Enterprise Partnership Investment Board would need to re-examine in the light of the rephrasing and was expected that a grant funding contract would be signed shortly. An anticipated start on site was expected in Spring/Summer 2016.

5. A17/A151 Peppermint Junction Holbeach – currently consulting on planning permission for phase 1 with potential start on site in Autumn 2016. The junction improvements were covered in the draft South East Lincolnshire Local Plan, which went out to consultation on 8 January 2016.

6. Grantham South Relief Road – scheme was progressing well. Phase 1 of King 31 scheme commenced in September 2015 with expected completion in April 2016 and was progressing well. It had been agreed to partially extend into phase 2 to make use of necessary cut material as "free" fill which led to substantial savings on materials.

Following the comments made by Karl McCartney MP requesting that the Council should dual the LEB, a member stated that a single carriageway was preferable to no bypass at all adding that the A46 to its junction with the A15 and the A15 to its junction with the A158 was a more important priority for dualling.

Executive Councillor R G Davies stated that there was no extra Government money available and that if there was funding then this would require match funding by the Council.

RESOLVED

That the update and comment made by the Committee, be noted.

54     WINTER MAINTENANCE UPDATE

The Committee received a verbal update on Winter Maintenance on the county's highways. Information was tabled showing salting callouts, salt usage and weather forecasts from the Met Office for all salting routes in the county.

The Committee was informed that with the improved and more detailed Met Office forecasts the Council was now able to improve the efficiency and effectiveness of salting. An extra weather station had been provided at Caistor. Following the floods in 2007 the Government had increased its investment in the Met Office to enable more long term predictions to be made. The latest prediction was for the mild Winter to continue but with the likelihood of colder conditions in February and March 2016.

Officers stated that following publicity about the shortage of HGV drivers there had been seventeen applications and up to six drivers had been selected for training in January 2016.

Following Committee comments, officers stated that all new drivers were subject only to medical examination as part of the normal DVLA HGV licensing process checks before they commenced their duties and that the Council was required to pay for weather information from the Met Office but this was cost effective as there were fewer call-outs.

RESOLVED

That the update and comments made by the Committee, be noted.

55     ROUNABOUT ADVERTISING

(Councillor R J Hunter-Clarke arrived in the meeting)

The Committee received a report on the current position regarding roundabout advertising within Lincolnshire. Officers outlined the history stating that following the meeting of this Committee on 29 July 2013, it was recommended that the current policy should be amended to allow the erection of advertising boards managed by local councils and funded by commercial providers. Following trials of the proposals in the district of East Lindsey two roundabouts were selected but both planning applications were refused for a number of reasons including being located in an Area of Outstanding Natural Beauty, signs too large and street clutter. Following on from this and the fact it was not possible to secure unanimous support amongst the seven local councils, it was agreed to continue with the existing arrangements.

## **HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE 14 DECEMBER 2015**

Committee comments and responses by officers, included:-

1. There was a need to maintain roundabouts but unnecessary signage should not be allowed as this could distract drivers.
2. Roundabouts in the City of Lincoln were well maintained compared to those in South Holland.

Officers stated that under the original proposals East Lindsey District Council as the lead authority had been unable to secure agreement from the other District Councils to implement a new maintenance agreement which would have involved attracting sponsorship.

3. The provision of larger signs funded by commercial providers might improve the maintenance of roundabouts.
4. District Councils needed to be reminded of the current policy.

Officers stated that they could write to local councils to remind them of the policy but they were already aware of their responsibilities.

5. Roundabouts in North East Lincolnshire were well maintained with sponsorship from garden centres, amongst others.
6. Responsibility for maintenance should be shared between the County and the District Councils.
7. Roundabouts should be sponsored because of their importance for tourism.
8. Signage on roundabouts in built up areas should be avoided.
9. Area Highways Officers and their staff needed to be aware of the current policy.
10. Was there a need to remind District Councils of their responsibility to maintain roundabouts and an assessment made of their progress. If that failed local councils should encourage commercial providers to maintain roundabouts.

Executive Councillor R G Davies stated that North East Lincolnshire Council financially assisted in the maintenance of roundabouts. Advertising did not meet the whole cost of maintenance. He stated that he was prepared to examine this issue further.

The Committee agreed that more factual information was required, to include whether it was the policy of the Council to regulate advertising/sponsorship on roundabouts, whether advertising covered the cost of maintenance and whether advertising could be extended to other highway land.

On motion by Councillor J R Marriott, seconded by Councillor Mrs A M Newton, it was –

**RESOLVED** (7votes for, 0 votes against and 2 abstentions)

That more factual information is required, including whether it was the policy of the Council to regulate advertising/sponsorship on roundabouts, whether advertising covered the cost of maintenance and whether advertising could be extended to other highway land and that a report be submitted to a future meeting.



56     SCRUTINY OF PERFORMANCE

The Committee received a report which invited it to consider the Council's new performance regime and options for how it could effectively scrutinise key performance information in the future as there were no key performance indicators within the new Council Business Plan directly relating to Highways and Transportation.

Committee comments included:-

1. The idea of a quarterly written report on Major Highway Schemes was welcomed as this would provide more transparency for the public. It was noted that there would still be a verbal report to those meetings which did not receive a written report.
2. The importance of the role of elected members in representing their electorate.

The Committee supported the receipt of a combined quarterly report and would examine further what performance information was required when it received its first written report at its meeting on 7 March 2016.

**RESOLVED**

- (a) That the comments made by the Committee be noted.
- (b) That in addition to the standard verbal report on the progress of Major Highway Schemes received at each meeting, a combined quarterly performance written report which would include the regular Major Schemes update, the quarterly Highways Alliance report and quarterly Customer Satisfaction information, would be considered.

57     CIVIL PARKING ENFORCEMENT - MID YEAR REPORT 2015/16

The Committee received a mid-year update report on Civil Parking enforcement for 2015/16.

Committee comments and responses by officers, included:-

1. Was information available for the reasons on why appeals were upheld?

Officers stated that this information was available and gave examples.

2. Were enough Enforcement Officers employed as sometimes they were difficulties in trying to contact them?

Officers stated that when this service first started there had been issues with staff turnover but this had now been resolved. Areas considered to be "hot spots" for parking problems were addressed on a regular basis and if it was possible Enforcement Officers in the vicinity could be re-directed to areas of concern. A designated hot spot reporting line was in operation, which members of the public could utilise to liaise directly with the Enforcement Team and report breaches of parking restrictions.

## **HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE**

### **14 DECEMBER 2015**

3. Was it possible to use surplus money to repaint faded white lines in parking bays?

Officers stated that this was an area which could potentially be funded.

4. In certain parts of the county off-street parking was free on a Sunday but in some cases the public was confused about the policy. Was it possible for Enforcement Officers to have more discretion on a Sunday?

The Committee noted that highway safety issues and Traffic Regulation Orders would need to be considered or changed.

5. What percentage of motorists were successful at appeal against incorrect parking?

Officers explained the types of incorrect parking and stated that detailed information on the percentage of appeals upheld for incorrect parking infringements would be provided in the final report to the Committee for 2015/16. On a monthly basis, broken down by District area, the Council also published on its website the number of Penalty Charge Notices issued and the number of those challenged and rescinded.

The Committee noted that giving Enforcement Officers discretion to deal with incorrect parking would only cause more problems.

6. Why did some areas have a low prosecution rate?

Officers stated that the number of prosecutions depended on geography, demographics and the number of vehicles present but the level of enforcement needed to be consistent.

#### **RESOLVED**

(a) That the report and comments made by the Committee, be noted.

(b) That information on the percentage of appeals upheld for incorrect parking infringements be provided in the final report for 2015/16.

#### **58     PERMIT SCHEME**

The Committee received a report in connection with the proposed introduction of a permit scheme for Lincolnshire which would improve the Council's ability to manage all works on the highway network, to minimise inconvenience and prevent disruption to road users.

Officers stated that the Council was proposing to pursue the "Common Schemes" for the issuing of permits and Rutland County Council and other local authorities had expressed an interest in participating. Of the two options detailed in the report it was proposed to require permits for all roads, including minor roads, with each application scrutinised individually and fee discounts waivers applied clearly.

Committee comments and responses by officers, included:-

1. With so many highway works taking place was a permit required for emergency highway works?

Officers stated that in the event of an emergency a permit would not be required. However, if it was subsequently discovered that it had not been an emergency then a penalty fee would be incurred by the utility.

2. Was a permit required for highways works near a railway level crossing?

Officers stated that it depended on the type of works being undertaken and the effects on the local highway.

3. Was it necessary to obtain a permit for work on pavements/footways?

Officers stated that pavements/footways were part of the highway and therefore a permit was necessary.

4. Was there a scale for permit fees?

Officers stated that permit fees varied according to the size of the highway works proposed.

5. What was the situation if someone wished to install a dropped kerb?

Officers stated that the installation of dropped kerbs was not linked to the permits scheme.

6. Were permits time limited?

Officers stated that permits were time limited. There was a need for the Council's work programme to co-ordinate with a utility work's programme.

RESOLVED

That the report be noted and that a report on the outcome of consultations be submitted in April 2016 followed by a report to the Committee in July 2016 with recommendations, before the matter is considered by the Executive.

59     HIGHWAYS ASSET MANAGEMENT POLICY

The Committee received a report on the need to produce a Highways Asset Management policy prior to the development of the next Highways Asset Management Strategy following a "Peer Review" of the Lincolnshire Highways Service.

**HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE  
14 DECEMBER 2015**

The Committee expressed support the policy as this would help the Council to maximise the amount of money it received from the Government and to spend that money effectively.

RESOLVED

That the report be noted and that the policy be supported and submitted to the Executive Councillor for Highways, Transport and IT, for approval.

60 HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE WORK  
PROGRAMME

The Committee received its Work Programme.

RESOLVED

That the Work Programme be noted and updated accordingly, subject to the following:-

1. The submission of a written report on a quarterly basis on performance to include the regular Major Schemes update, the Highways Alliance report and Customer Satisfaction information to the meeting on 7 March 2016.
2. A report on the outcome of consultation on the Permit scheme to the meeting on 18 April 2016.
3. A report on recommendations for the Permit scheme to come to the meeting on 11 July 2016 before approval by the Executive Councillor.
4. A need to programme the examination the Speed Limit Policy and Traffic Policy for Schools Update in twelve months' time.
5. Officers agreed to speak to Mark Housley, Assistant Director for Safer Communities, about the Recruitment of School Crossing Patrol Staff.

The meeting closed at 12.15 pm

**Open Report on behalf of Richard Wills, Executive Director for Environment and Economy**

Report to:	<b>Highways and Transport Scrutiny Committee</b>
Date:	<b>18 January 2016</b>
Subject:	<b>Lincoln Eastern Bypass - Authority to Enter into Contract with Network Rail</b>

**Summary:**

This item invites the Highways and Transport Scrutiny Committee to consider a report on the Lincoln Eastern Bypass to enter into a contract with Network Rail for the construction of a railway bridge to allow the road to pass under the Lincoln to Spalding railway line. This is due to be considered by the Executive Councillor for Highways, Transport and IT on 20th January 2016. The views of the Scrutiny Committee will be reported to the Executive Councillor as part of his consideration of this item.

**Actions Required:**

- (1) To consider the attached report and to determine whether the Committee supports the recommendations to the Executive Councillor set out in the report.
- (2) To agree any additional comments to be passed to the Executive Councillor in relation to this item.

## **1. Background**

As part of the construction of Lincoln Eastern bypass (LEB), a railway bridge is required to be constructed to allow LEB to pass under the Lincoln to Spalding railway line. This bridge is being delivered by Network Rail on behalf of the Council and as such a closure of the railway has been booked for February 2017. To allow Network Rail to proceed a legal document known as an Implementation Agreement is required to be signed by both the Council and Network Rail. This will allow Network Rail to seek authority through their funding processes to proceed with awarding a construction contract to their preferred contractor.

The Executive Councillor for Highways, Transport and IT is due to consider the report on Lincoln Eastern Bypass – Authority to Enter into Contract with Network Rail on 20 January 2016. The full report to the Executive Councillor is attached at Appendix 1 to this report.

## **2. Conclusion**

Following consideration of the report, the Committee is requested to consider whether it supports the recommendations in the report and whether it wishes to make any additional comments to the Executive Councillor. The Committee's views will be reported to the Executive Councillor.

## **3. Consultation**

### **a) Policy Proofing Actions Required**

n/a

## **4. Appendices**

These are listed below and attached at the back of the report	
Appendix 1	Lincoln Eastern Bypass - Authority to Enter into Contract with Network Rail - Report to Executive Councillor for Highways, Transport and IT

## **5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Lee Rowley, who can be contacted on 01522 555587 or [lee.rowley@lincolnshire.gov.uk](mailto:lee.rowley@lincolnshire.gov.uk).

**Open Report on behalf of Richard Wills, Executive Director for Environment and Economy**

Report to:	<b>Councillor R G Davies, Executive Councillor for Highways, Transport and IT</b>
Date:	<b>20 January 2016</b>
Subject:	<b>Lincoln Eastern Bypass - Authority to Enter into Contract with Network Rail</b>
Decision Reference:	<b>I010498</b>
Key decision?	<b>Yes</b>

**Summary:**

This report outlines the background to and recommends the entering into of a contract in the form of an Implementation Agreement with Network Rail to allow for the timely delivery of the bridge that takes the Lincoln Eastern Bypass under the Lincoln to Spalding railway line.

**Recommendation(s):**

That the Executive Councillor:-

- 1) approves in principle the entering into by the Council of an Implementation Agreement with Network Rail for the construction of the bridge that takes the Lincoln Eastern Bypass under the Lincoln to Spalding railway line.
- 2) delegates to the Executive Director for Environment and Economy, in consultation with the Executive Councillor for Highways, Transport and IT, authority to negotiate the final form of and enter into the Implementation Agreement and all other legal documentation necessary to give effect to the decision set out in paragraph 1 of this report.

**Alternatives Considered:**

1. Do not enter into the Implementation Agreement and await confirmation of the Orders for the scheme by the Secretary of State, and confirmation of funding approval by the Department for Transport.
2. Do not enter into the Implementation Agreement with Network Rail and include the delivery of the bridge within the contract for the main works.

**Reasons for Recommendation:**

A key possession of the railway has been booked for February 2017. Delaying this Implementation Agreement will mean that this possession will be lost. This will have a significant impact on the delivery of LEB. There is insufficient time to include these works in the main contract whilst maintaining the February 2017 possession.

**1. Background**

- 1.1 As part of promoting Lincoln Eastern Bypass (LEB), there is a requirement to construct a bridge on the Lincoln to Spalding railway line to allow LEB to pass under the railway. A plan of the route is shown at Appendix A.
- 1.2 Originally it was intended that the Council would design and deliver this bridge as part of the main works construction contract, with design carried out in house. As the bridge will ultimately be owned and maintained by Network Rail they are always keen to ensure that any asset they own meets very specific requirements. It has therefore not been possible to reach agreement through Network Rail's design approval processes on the form of the bridge and some specific design details. In addition the timescales for delivery by these means caused a potential conflict with the possession of the railway that was booked for February 2017. For further details of possessions refer to Section 3 below.
- 1.3 It was therefore decided to commission Network Rail to procure a Design and Build contract to deliver this bridge outside of and potentially in advance of the main scheme, with a break clause at the end of the design period to allow the Council to assess and approve the cost estimate produced as part of that process. Given that the internal design and approval processes for Network Rail are less onerous than those when they engage with an external party it was felt that this would ultimately be a solution with a better chance of early delivery to maximise the benefits to the main contract. This reduces the risk of achieving an acceptable design within a reasonable time period for the bridge.
- 1.4 The Council have been fully involved in the procurement process undertaken by Network Rail. After a competitive procurement process involving 4 tenderers Network Rail awarded the design element of the contract to BAM Nuttall in the autumn of 2015. The award of the construction element is currently scheduled for 1 March 2016.

**2. Description of Works**

- 2.1 The bridge will be a 30m span steel structure supported on 4 piled foundations. Once the piles are installed, to construct the works the railway is closed and the track will need to be removed, some of the embankment excavated and the bridge is then slid into place to sit on the piles. The track is then reinstalled to allow the line to reopen and the remaining embankment



is then removed to allow finishing works to take place. The span of the bridge is designed to allow for the future dualling of LEB which remains a long term aspiration for the Council.

### **3. Access to Railway**

- 3.1 Any works on the railway are scheduled through what is known as a possession. There are two types of possession; one known as a 'Rules of the Route' possession for minor works that do not significantly interrupt the railway and one known as a 'disruptive possession' which closes the railway for a period of time. Both sets of possessions require booking in advance and require discussion with train operators (both passenger and freight) to limit the impact on their services. A disruptive possession will generally require the rerouting of services or for passenger trains these can sometimes be replaced by temporary bus services. The Council will be required to cover the costs of any compensation paid to train operators for this disruption. A disruptive possession has been booked for 3 days in February 2017 to carry out the installation of the bridge.
- 3.2 Disruptive possessions generally need to be booked at least two years in advance and are only usually available at certain periods of the year, for instance over Bank Holiday weekends and during school holidays outside of the summer period.
- 3.3 It should be noted that the Lincoln to Spalding line is the diversion route for the East Coast Main Line (ECML).

### **4. LEB Delivery Programme**

- 4.1 The logic of constructing this bridge early is twofold. Firstly and most importantly this will ensure that Network Rail's contractor meets the timescale for the disruptive track possession booked for February 2017. Secondly this approach will protect the planning permission for the LEB which is due to expire on 10 June 2016 (the start on the construction of the permanent access track used temporarily by the bridge works is deemed sufficient to discharge the planning permission).
- 4.2 The original intention was that this bridge (and indeed the rest of the scheme) would be delivered following confirmation by the Secretary of State that the Orders to acquire land for the scheme are acceptable. This is following the Public Inquiry held in August 2015.
- 4.3 At the time of writing this report (December 2015), no decision has been made on the Orders and it is not expected until early 2016. This therefore means that a decision may be needed on commencing the bridge in the knowledge that there is a risk that the Orders will not be confirmed.
- 4.4 It is proposed that tenders for the main works are not issued until Orders have been confirmed, on the basis that this will give more confidence to the market that the scheme is progressing. As a result a construction contract is

unlikely to be awarded in sufficient time to tie in with the possession booked for February 2017.

- 4.5 The immediate decision is to enter into an Implementation Agreement ensuring that Network Rail knows that the Council will fund the bridge construction if Network Rail enters into the construction phase of its contract. As discussed above, the award of the construction contract is expected to be 1 March 2016 which may allow the Council to know the results in relation to the Orders before the contract is signed and hence make a further decision on whether to proceed. Any cancellation of the scheme would result in the Council paying Network Rail (or their contractor) any costs they have incurred up to that point. It should be noted that in the event the Orders are unsuccessful, the route of LEB will still be protected and is unlikely to change from its current line. Should the decision be taken to restart the Orders process, there would be some merit therefore in delivering the bridge well in advance of the LEB. However, if the LEB were not ever to proceed to construction the cost of the bridge will have been incurred for no benefit.

## 5. Proposal

- 5.1 The legal mechanism for engaging with Network Rail to construct the works is via a document known as an Implementation Agreement. Network Rail have estimated that the cost to the Council of delivering the bridge will be as outlined below and this is the value included in the Agreement. This value includes Network Rail fees, and a value of the risk should certain events occur, following a workshop held in December, and attended by officers from the Council.
- 5.2 The costs are as follows:

Contract	Estimated Maximum Cost	Comments
Implementation Agreement (Emerging costs basis)	£10,156,223	'Not to be exceeded' price.
Risk	£1,526,433	Includes a number of risks which are unlikely to happen but need costing nevertheless
Industry Risk Fee	£201,124	Standard percentage applied to IA cost
Network Rail Fee Fund	£502,811	Standard percentage applied to IA cost
Total Max Cost	£12,386,591	

- 5.3 Without the signing of the Implementation Agreement Network Rail will not have authority to enter into a construction contract with BAM Nuttall and it would be unlikely that the timescales for the disruptive possession would be met. Network Rail needs this authority before they go to their Investment Panel on 1<sup>st</sup> February.
- 5.4 The Implementation Agreement is based on what is known as an 'Emerging Cost', ie the Council will only pay what is expended. As such it is considered that the value in the Agreement is an upper limit and is likely to reduce. Costs will be invoiced to the Council on a monthly basis for work carried out.
- 5.5 At present the value submitted by Network Rail is a 'not to exceed' value, further work is being carried out to refine the currently conservative design with the intention of submitting a final price in early February 2016.

## **6. Interaction with Main Works**

- 6.1 Delivery of the bridge in advance of the main works will give some advantages and cost efficiencies to offset the cost of the bridge. The main reason for this is that there is a significant amount of earthworks material to be excavated to the south of the bridge that is needed to build the embankments that take the bypass on another bridge over the River Witham to the north. As can be seen from the plan at Appendix A, the area between the Lincoln to Spalding and Lincoln to Market Rasen railway lines is effectively 'landlocked' as there are no public highways available to access the area. Without this early access under the railway the construction of this section of the bypass could prove to be challenging and hence expensive.
- 6.2 Delivering these bridge works early will mean that they will be in advance of the Department for Transport (DfT) granting their contribution to the scheme of just under £50M. DfT have confirmed that this is not an unusual situation as local authorities often need to commit monies in advance; however they have noted that the risk of committing monies in advance of DfT granting funding (or potentially not granting) lies with the Council.

## **7. Other Advantages**

- 7.1 Early possession of the railway minimises the cost of LCC paying compensation to operators because the volume of train traffic (both freight and passenger) is expected to increase on the route in the future and hence there will be greater disruption to operators should the possession be delayed. Given that the route is the diversion line for ECML this also increases the risk of later possessions not being available.
- 7.2 The start date and duration of construction through this process will be shorter and hence minimise the risk of inflationary costs for construction. In addition early delivery of this bridge could shorten the construction programme of the main works.

## **8. Human Rights and Procurement Implications**

- 8.1 The County Council in proposing to construct the LEB has considered the applicability of the Human Rights Act 1998 (HRA) and in particular the European Convention On Human Rights Article 1 of the First Protocol, which provides that “every person is entitled to the peaceful enjoyment of his possessions” and “no one shall be deprived of his possessions except in the public interest and subject to conditions provided for by law”.
- 8.2 The Scheme will facilitate sustainable development and remove traffic from key routes in the city centre. On balance it is therefore believed that the Scheme is overwhelmingly in the public interest. The decision to enter into an Implementation Agreement is part of the delivery of the Scheme and covered by the same Human Rights justification.
- 8.3 There are not considered to be any procurement implications arising out of the entering into of an Implementation Agreement. The works contract in these circumstances is the one entered into between Network Rail and its contractors which has been awarded as a result of a procurement exercise.

## **9. Other Legal Considerations**

### *Equality Act 2010*

- 9.1 The Council's duty under the Equality Act 2010 needs to be taken into account by the Executive when coming to a decision.
- 9.2 The Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 section 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7).
- 9.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 9.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 9.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- 9.6 Compliance with the duties in this section may involve treating some persons more favourably than others.
- 9.7 A reference to conduct that is prohibited by or under this Act includes a reference to:
- (a) A breach of an equality clause or rule
  - (b) A breach of a non-discrimination rule
- 9.8 It is important that the Executive Councillor is aware of the special duties the Council owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the Executive. The duty applies to all decisions taken by public bodies including policy decisions and decisions on individual cases and includes this decision.
- 9.9 To discharge the statutory duty the Executive Councillor must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.
- 9.10 An impact analysis has not been undertaken specifically in relation to the construction of the bridge. Such construction is governed by detailed and stringent design requirements.
- 9.11 In terms of the scheme itself, all design complies with national design standards including the relevant requirements and guidance in relation to accessibility. Potential impacts at the level of the scheme itself therefore have been mitigated through the design.

### *Child Poverty Strategy*

- 9.12 The Council is under a duty in the exercise of its functions to have regard to its Child Poverty Strategy. Child poverty is one of the key risk factors that can negatively influence a child's life chances. Children that live in poverty are at greater risk of social exclusion which, in turn, can lead to poor outcomes for the individual and for society as a whole.

- 9.13 In Lincolnshire we consider that poverty is not only a matter of having limited financial resources but that it is also about the ability of families to access the means of lifting themselves out of poverty and of having the aspiration to do so. The following four key strategic themes form the basis of Lincolnshire's Child Poverty strategy: Economic Poverty, Poverty of Access, Poverty of Aspiration and Best Use of Resources.
- 9.14 The Strategy has been taken into account in this instance and while there are no direct impacts, the scheme is expected to have a beneficial impact on the economy of Lincoln and the wider county and will therefore contribute to addressing economic poverty generally and therefore that of children.

*Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS)*

- 9.15 The Council in exercising its functions must have regard to both the JSNA and the JHWS.
- 9.16 Consideration has been given to the JSNA and the JHWS and as can be seen from the Objectives of the scheme set out below, especially Objectives 1 and 2, the scheme has significant benefits for both the health and wellbeing of people in Lincoln.
- 9.17 The Objectives of the scheme are:

**Objective 1:** To support the delivery of sustainable economic growth and the Growth Point agenda within the Lincoln Policy Area through the provision of reliable and efficient transport infrastructure.

**Objective 2:** To improve the attractiveness and liveability of central Lincoln for residents, workers and visitors by creating a safe, attractive and accessible environment through the removal of strategic through traffic (particularly HGVs).

**Objective 3:** To reduce congestion, carbon emissions, improve air and noise quality within the LPA, especially in the Air Quality Management Area in central Lincoln, by the removal of strategic through traffic (particularly HGVs).

## **10. Conclusion**

- 10.1 Notwithstanding the risks of entering into an Implementation Agreement before confirmation of Orders, there are compelling reasons to enter into the contract with Network Rail as construction of the bridge will allow early access for the main works to the area north of the railway line and secure planning permission for the scheme.

### **11. Legal Comments:**

The Council has the power to enter into an Implementation Agreement. The risks of doing so are addressed in the Report as are the legal matters to which the Executive Councillor must have regard.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor if it is within the budget.

### **12. Resource Comments:**

The budget to undertake the works as outlined in the detail of this report is included in the currently approved capital programme.

### **13. Consultation**

#### **a) Has Local Member Been Consulted?**

N/A

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

The report will be considered by the Highways and Transport Scrutiny Committee at its meeting on 18 January 2016. Any comments from the Committee will be presented to the Executive Councillor for consideration when taking the decision.

#### **d) Policy Proofing Actions Required**

N/A

### **6. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Plan of Route showing location of bridge

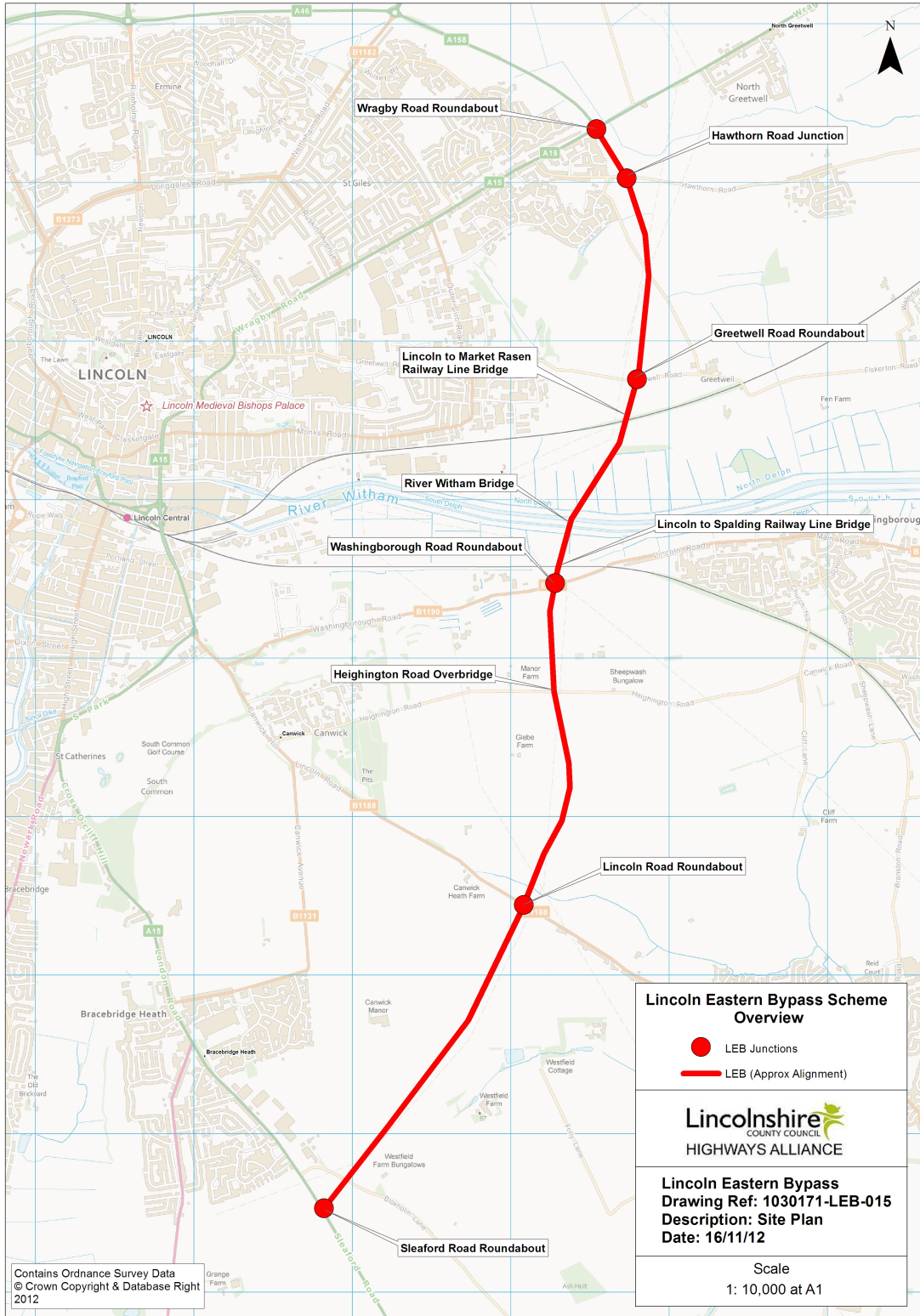
### **7. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Lee Rowley, who can be contacted on 01522555587 or [lee.rowley@lincolnshire.gov.uk](mailto:lee.rowley@lincolnshire.gov.uk) .

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## Policy and Scrutiny

### Open Report on behalf of Richard Wills, Director responsible for Democratic Services

Report to:	<b>Highways and Transport Scrutiny Committee</b>
Date:	<b>18 January 2016</b>
Subject:	<b>Highways and Transport Scrutiny Committee Work Programme</b>

#### **Summary:**

This item enables the Committee to consider and comment on the content of its work programme for the coming year.

#### **Actions Required:**

To consider and comment on the work programme as set out in Appendix A to this report.

## **1. Background**

The Committee's work programme for the coming year is attached at Appendix A to this report. The Committee is invited to consider and comment on the content of the work programme.

### Work Programme Definitions

Set out below are the definitions used to describe the types of scrutiny, relating to the items on the Work Programme:

Budget Scrutiny - The Committee is scrutinising the previous year's budget, or the current year's budget or proposals for the future year's budget.

Pre-Decision Scrutiny - The Committee is scrutinising a proposal, prior to a decision on the proposal by the Executive, the Executive Councillor or a senior officer.

Performance Scrutiny - The Committee is scrutinising periodic performance, issue specific performance or external inspection reports.

Policy Development - The Committee is involved in the development of policy, usually at an early stage, where a range of options are being considered.

Consultation - The Committee is responding to (or making arrangements to) respond to a consultation, either formally or informally. This includes pre-consultation engagement.

Status Report - The Committee is considering a topic for the first time where a specific issue has been raised or members wish to gain a greater understanding.

Update Report - The Committee is scrutinising an item following earlier consideration.

Scrutiny Review Activity - This includes discussion on possible scrutiny review items; finalising the scoping for the review; monitoring or interim reports; approval of the final report; and the response to the report.

## **2. Conclusion**

To consider and comment on the Work Programme.

## **3. Consultation**

### **a) Policy Proofing Actions Required**

This report does not require policy proofing.

## **4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Highways and Transport Scrutiny Committee Work Programme
Appendix B	Forward Plan of Decisions relating to Highways and Transport Scrutiny Committee

## **5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Daniel Steel, who can be contacted on 01522 552102 or by e-mail at [daniel.steel@lincolnshire.gov.uk](mailto:daniel.steel@lincolnshire.gov.uk)

**HIGHWAYS AND TRANSPORT SCRUTINY COMMITTEE****Chairman:** Councillor Michael Brookes**Vice Chairman:** Councillor Andrew Hagues

<b>18 January 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Budget Proposals 2016/17	Michelle Grady, Assistant Head of Finance	Budget Scrutiny
Lincoln Eastern Bypass - Authority to Enter into Contract with Network Rail	Lee Rowley, Senior Project Leader - Major Schemes	Pre-decision Scrutiny
Winter Maintenance Update	David Davies, Principal Maintenance Engineer	Update Report (Verbal)
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report (Verbal)

<b>7 March 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Performance Report - (to include Major Schemes, Lincolnshire Highways Alliance and Customer Satisfaction)	Steve Willis, Chief Operating Officer, Development Services; Paul Rusted, Infrastructure Commissioner	Performance Report
Future Service Delivery	Paul Rusted, Infrastructure Commissioner	Update Report
Winter Maintenance Update	David Davies, Principal Maintenance Engineer	Update Report
Roundabout Advertising Update	Paul Little, Network Manager North	Update Report
Grantham Transport Strategy	Satish Shah, Network Manager South	Status Report
Enhancing our Users' Experience	Satish Shah, Network Manager South	Status Report

<b>18 April 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report (Verbal)
Total Transport Update	Anita Ruffle, Group Manager PTU	Update Report
CCTV Pilot Scheme – Parking enforcement outside schools	Matt Jones, Parking Services Manager	Status Report

<b>13 June 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Performance Report - (to include Major Schemes, Lincolnshire Highways Alliance and Customer Satisfaction)	Steve Willis, Chief Operating Officer, Development Services; Paul Rusted, Infrastructure Commissioner	Performance Report
Civil Parking Enforcement Annual Report 2015/16	Matt Jones, Parking Services Manager	Annual Report

<b>11 July 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report (Verbal)

<b>12 September 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Performance Report - (to include Major Schemes, Lincolnshire Highways Alliance and Customer Satisfaction)	Steve Willis, Chief Operating Officer, Development Services; Paul Rusted, Infrastructure Commissioner	Performance Report
Speed Limit Policy and Traffic Policy for Schools Update	Graeme Butler, Project and Technical Support Manager; Andy Wharff, Area Highways Manager	Update Report
Preparations for Winter 2016/17	David Davies, Principal Maintenance Engineer	Update Report

<b>24 October 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Major Schemes Update	Paul Rusted, Infrastructure Commissioner	Update Report (Verbal)

<b>28 November 2016</b>		
<b>Item</b>	<b>Contributor</b>	<b>Purpose</b>
Performance Report - (to include Major Schemes, Lincolnshire Highways Alliance and Customer Satisfaction)	Steve Willis, Chief Operating Officer, Development Services; Paul Rusted, Infrastructure Commissioner	Performance Report
Winter Maintenance Update	David Davies, Principal Maintenance Engineer	Update Report (Verbal)

### **To be scheduled**

- Regulation Services – Charges and Savings
- Highways Asset Management Strategy
- Traffic Regulation Order Policy
- Recruitment of School Crossing Patrol Staff

**For more information about the work of the Highways and Transport Scrutiny Committee please contact Daniel Steel, Scrutiny Officer on 01522 552102 or by e-mail at [daniel.steel@lincolnshire.gov.uk](mailto:daniel.steel@lincolnshire.gov.uk)**

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**Forward Plan of Decisions relating to Highways and Transport Scrutiny Committee**

DEC REF	MATTERS FOR DECISION	DATE OF DECISION	DECISION MAKER	PEOPLE/GROUPS CONSULTED PRIOR TO DECISION	DOCUMENTS TO BE SUBMITTED FOR DECISION	HOW AND WHEN TO COMMENT PRIOR TO THE DECISION BEING TAKEN	RESPONSIBLE PORTFOLIO HOLDER AND CHIEF OFFICER	KEY DECISION YES/NO	DIVISIONS AFFECTED
I010498 New!	Lincoln Eastern Bypass - Approval to procure Network Rail to deliver bridge on Lincoln to Spalding railway line, in advance of main funding approval	Between 20 January 2016 and 25 January 2016	Executive Councillor: Highways, Transport, IT	Executive councillor; County Commissioner for Economy and Place; Legal Services	Report	Project Leader - Major Schemes Tel: 01522 555587 Email: lee.rowley@lincolnshire.gov.uk	Executive Councillor: Highways, Transport, IT and Executive Director for Environment and Economy	Yes	Lincoln Birchwood; Lincoln Boultham; Lincoln Bracebridge; Lincoln East; Lincoln Glebe; Lincoln Hartsholme; Lincoln Moorland; Lincoln North; Lincoln Park; Lincoln West
I010551 New!	Highways Permitting Scheme	2 February 2016	Executive	Highways and Transport Scrutiny Committee	Report	Regulation Manager Tel: 01522 552105 Email: mick.phoenix@lincolnshire.gov.uk	Executive Councillor: Highways, Transport, IT and Executive Director for Environment and Economy	Yes	All Divisions

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