

OVERVIEW AND SCRUTINY COMMITTEE

4 February 2020

* Councillor Paul Spooner (Chairman)

* Councillor James Walsh (Vice-Chairman)

* Councillor Colin Cross
Councillor Graham Eyre
* Councillor Liz Hogger
* Councillor Tom Hunt
Councillor Steven Lee

* Councillor Masuk Miah
* Councillor John Redpath
* Councillor Tony Rooth
* Councillor Deborah Seabrook
* Councillor Patrick Sheard

*Present

Councillors Tim Anderson, Joss Bigmore, Lead Councillor for Finance and Assets, Customer Services, Chris Blow, Dennis Booth, Ruth Brothwell, David Goodwin, Lead Councillor for Waste, Licensing, and Parking, Ted Mayne, Julia McShane, Lead Councillor for Community Health, Support and Wellbeing, Maddy Redpath, Caroline Reeves, the Leader of the Council and Lead Councillor for Environment and Sustainability across the Borough, Transformation, Sustainable Transport, Economic Development, and Governance, John Rigg, the Lead Councillor for Major Projects, Pauline Searle, Lead Councillor for Countryside, Rural Life, and the Arts, and James Steel, Lead Councillor for Tourism, Leisure, and Sport were also in attendance.

In accordance with Council Procedure Rule 23(j), Councillor George Potter attended as a substitute for Councillor Steven Lee.

OS40 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

The Committee was advised of apologies for absence from Councillors Graham Eyre, Steven Lee, and Jan Harwood, Lead Councillor for Planning, Regeneration and Housing Delivery and a substitute as detailed above.

OS41 LOCAL CODE OF CONDUCT AND DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of Disclosable Pecuniary Interests.

OS42 CALL-IN OF PROPOSED EXECUTIVE DECISION: WALNUT BRIDGE - APPLICATION FOR ADDITIONAL FUNDING

The Chairman outlined the procedure to be followed at the meeting and confirmed that the public would be excluded from the part of the meeting dealing with exempt information.

The Council's Monitoring Officer explained the purpose of call-in and the options available to the Committee. He indicated that the role of the Committee was to review the 7 January 2020 decision of the Executive in relation to Walnut Bridge. The Committee was advised that it had the power to endorse the proposed decision or refer it back to the Executive with appropriate comment and advice. The Monitoring Officer indicated that should the Committee not support the decision and decide to refer it back to the decision maker, then the Executive should respond specifically to any comment and advice from Overview and Scrutiny Committee when reconsidering its original decision.

The Chairman indicated that the purpose of the meeting was to review the 7 January decision by the Executive in relation to additional funding for the Walnut Bridge project and

the incorporation of the Bedford Plaza public realm works into the Walnut Bridge project. He informed the meeting of the role of the Committee in considering the call-in: to explore the Executive's understanding of the Walnut Bridge project and whether the Executive had sufficient and accurate information, took into account all relevant facts and assessed them properly; and to consider whether the Executive acted in accordance with the Council's Principles of Decision-Making. The Chairman advised the meeting of the Principles of Decision-Making contained within Article 14 of the Council's Constitution.

The Chairman welcomed the Leader of the Council and Lead Councillor for Environment and Sustainability across the Borough, Transformation, Sustainable Transport, Economic Development, and Governance, the Lead Councillor for Finance and Assets, Customer Services, and the Lead Councillor for Major Projects to the meeting. In addition, other Executive members present, officers attending to support the Committee's review, and Councillors who had called-in the proposed decision of the Executive were introduced.

To aid the Committee's deliberations, a design walkthrough video clip of the proposed Walnut Bridge was shown.

After reminding the meeting not to discuss, at the current stage of the meeting, the exempt information within the 'Not for Publication' Appendices 3 and 4 of the report submitted to the Committee, the Chairman invited those Councillors who had called-in the proposed decision of the Executive to explain their reasons for doing so. A number of issues and questions were put forward by Councillors calling-in the decision:

- Councillors questioned whether the Executive had properly assessed all the relevant information in making its decision on 7 January 2020. They suggested it was proper to question whether the rationale informing previous decisions on the Walnut Bridge Project still held, especially as circumstances had changed.
- With reference to the lack of cycle or disabled access to the towpath and the concerns that cyclists had raised with the proposed design, the extent to which the proposed bridge would improve sustainable travel and accessibility was queried.
- Councillors suggested that the Executive had not taken into account the Council's July 2019 commitment to bring forward a Town Centre Master Plan Development Plan within the term of the current Council. Councillors suggested that to progress with the proposed bridge design would restrict the Master Plan options and more likely to result in a bridge not in keeping with the Plan.
- Councillors suggested the value in pausing the project to rethink the design of the proposed bridge.
- The issue of whether there was insufficient, misleading, or inaccurate information available to the Executive was raised. In particular, the adequacy of information on the background to the Project within the report provided to the Executive meeting on 7 January 2020 was questioned. The meeting heard that papers and reports relevant to the Executive's decision were not referenced within the report presented to the Executive on 7 January 2020. Moreover, one Councillor suggested the merit in providing more complete information on the work carried out and the costs incurred to progress the Project to date given the newness of the Executive members to their roles.
- Councillors questioned the assertion within the report to the Executive on 7 January 2020 that the carbon cost of constructing the bridge was not measurable. The

suggestion was put to the meeting that efforts to estimate the carbon cost of the project and identify accompanying options to mitigate its impact should have been included in information provided to the Executive.

- With reference to comments made at the meeting of the Executive on 7 January 2020, a Councillor questioned the wisdom in undertaking the proposed bridge if future changes to it were likely. The acceptance of incurring additional costs and materials was juxtaposed with the Council's declaration of a climate change emergency.
- With reference to the value in a wholesale review of the project, Councillors questioned the justification for the virement of £450k requested in the report submitted to the Executive on 7 January.
- Councillors questioned whether the Executive's decision was in accordance with the decision-making principles set out in the Council's constitution. They questioned the apparently binary choice presented to the Executive of either ceasing the project or agreeing additional funding. The options of requesting the LEP [Local Enterprise Partnership] to authorise a delay in the project or to seek a cheaper and more flexible design that would be less of a possible impediment to the Town Centre Master Plan were options suggested for consideration by the Executive.
- Councillors queried the apparent lack of scrutiny or involvement by the LEP in the changes to the Project. In addition, the quality assurance role of the LEP was questioned.
- Councillors questioned the chances of the proposed bridge being completed by the LEP funding deadline of March 2021 and suggested the value in obtaining an extension regardless of the outcome of the call-in.

Following the explanation of the reasons for the call-in, the Committee confirmed that it wished to review the proposed decision itself rather than refer it to full Council.

The Chairman invited the Leader of the Council to respond to the reasons for the call-in.

The Leader of the Council indicated that the report considered by the Executive on 7 January 2020 related to one element of a £23 million package of work that dated back to 2012. The meeting was advised that the purpose of the package of work was to improve sustainable travel around and through Guildford, including a reduction in the number of pedestrians using Bridge Street.

The Leader of the Council indicated that the report to the Executive on 7 January 2020 requested additional Project funding because the prices quoted by bidders to construct the bridge were significantly higher than originally estimated. She suggested that some of the questions raised by Councillors at the meeting did not relate to the Executive's proposed decision of 7 January 2020.

In specific response to questions about whether the report considered by the Executive on 7 January 2020 contained insufficient information on the background to the Bridge Project from July 2016 to the date of the Executive meeting on 7th January 2020, the Leader of the Council advised that the Walnut Bridge Project had been in existence since 2012 and been the subject of numerous Executive and other reports. The Leader of the Council indicated that these previous reports had been referred to in the report considered on 7 January

2020. The meeting was informed that the replacement bridge had been the subject of a planning application that had included public consultation.

Next, the Leader of the Council addressed the suggestion that the report of 7 January 2020 contained insufficient information and detail concerning the works carried out and the costs incurred to progress the Bridge Project generally to date and in particular since July 2016. She indicated that Executive members either possessed the information needed or had the opportunity to ask for additional information if required before reaching their decision on 7 January 2020. The Committee was advised that the Project had been discussed at various Executive meetings that had been held in public and webcast and had been reported at the Major Projects Portfolio Board. In addition, the Leader of the Council advised the Committee that there had been meetings held with the Lead Councillor for Planning, Regeneration, and Housing Delivery, and the Lead Councillor for Finance and Assets, Customer Services prior to the Executive meeting on 7 January 2020.

In reply to the suggestion that it was possible to estimate the carbon costs of constructing the bridge, the Leader of the Council stated that it was not possible to estimate the carbon impact of demolishing the existing bridge, the impact of fabricating, transporting and constructing the new bridge, and the potential carbon savings through encouraging and facilitating more sustainable travel over the new bridge. The Leader of the Council indicated that the Council had recently invested in resources to provide more information on the climate change implications of proposals but were not in a position to do this at this time.

With reference to the suggestion that the report considered by the Executive on 7 January 2020 lacked sufficient information about the Bedford Plaza Public Realm Project, the Leader of the Council stated that the landscaping scheme was the subject of a report to the Executive in January 2019. She indicated that the justification and benefits for bringing the Bedford Plaza Public Realm Project back into the Walnut Bridge Project were within the report considered by the Executive on 7 January 2020.

In responding to another query raised by the call-in, the Leader of the Council confirmed that aside from the additional funding requested all other elements would remain unchanged, including the landscaping and provision of public art around the bridge structure.

In specific response to questions about whether all relevant facts had been taken into account and assessed properly in relation to the commencement of a Town Centre Master Plan Development Plan Document, the Leader of the Council noted that all development in the town centre would not stop whilst work on a plan took place. She advised the Committee of other schemes progressing in the town centre and stated that if the bridge project stopped to wait for a town centre masterplan then safe sustainable travel around and through Guildford will continue not to be addressed and funds would have to be re-paid to the LEP.

With reference to the question of why the Executive considered only two options – to cease the project or agree the additional funding – the Leader of the Council indicated that the LEP had re-confirmed the week previous that a failure to deliver the bridge by the March 2021 deadline would require repayment of the £1.5m LEP funding.

In response to questions about the lack of cycle or disabled access to the towpath, the Leader of the Council stated that the new bridge would be wider than the current one and DDA compliant, with safety further improved by the installation of a pedestrian crossing across Walnut Tree Close.

The Leader of the Council indicated that the Executive was not looking at the whole project on 7 January 2020, rather it was considering the latest stage.

The Leader of the Council indicated that the report considered by the Executive on 7 January 2020 contained information on risks and mitigation, including an evaluation around the new funding requirement. In concluding her response to the explanation for the call-in, the Leader of the Council stated her belief that Executive members had sufficient information upon which to vote on the recommendations on 7 January 2020.

The members of the Committee then questioned the Leader of the Council, the Lead Councillor for Finance and Assets, Customer Services, the Lead Councillor for Major Projects, and officers, and debated the proposed decision of the Executive.

- The Director of Resources confirmed that the Council had spent £1.5 million of the LEPs grant on the initial stages of the project and drawn down the grant. If the Council needed to repay £1.5 million to the LEP then this would constitute a net spend of £1.5 million and, in accounting terms, a gross spend of £3 million.
- The Leader of the Council agreed that the current bridge needed replacing and indicated that if the decision was not taken quickly to progress the bridge then the LEP delivery deadline could not be achieved and the grant would require repayment.
- The Director of Service Delivery informed the meeting that the terms of the agreement between the Council and the LEP had been confirmed in writing by a representative of the LEP the previous week.
- Members of the Committee questioned the likelihood of achieving the March 2021 deadline for construction of the bridge
- The Lead Councillor for Major Projects stated that the £1.5 million spent to date included research that would be needed whenever a replacement bridge was constructed and it would be incorrect to designate the £1.5 million as lost if the LEP was repaid.
- The Leader of the Council advised the meeting of usage figures for the bridge in 2017 [5352 per term-time weekday between 7am and 7pm and 3636 users per Saturday]. The Director of Service Delivery indicated that the new bridge would be constructed alongside the current one and the period during construction when a bridge was not available would be two-weeks.
- In response to a question from a Committee member about the merit of pursuing a more flexible bridge design, the Director of Service Delivery indicated that the existing planning permission for the bridge was a likely constraint on the flexibility of design for the replacement bridge and that there would not be sufficient time to progress a different design through the planning process and adhere to the LEP deadline. In reply to a subsequent question from a member of the Committee, the Director of Service Delivery stated that the design of the bridge was not being compromised to meet LEP timescales.
- The Director of Service Delivery confirmed that bidders for the construction were aware of the March 2021 deadline and he was confident the bridge could be delivered on time and within budget unless there were further delays.
- A member of the Committee questioned whether delaying the bridge was a practical option in the circumstances and the merits of the call-in.

- The Chairman indicated that the discussion showed that, while outside the remit of the current meeting, it would be worthwhile for Overview and Scrutiny to review the decision-making of the overall project.

The Chairman then invited the Leader of the Council and other members of the Executive to respond to the non-exempt information debate.

The Leader of the Council advised the meeting that the project for an important opportunity to regenerate an area of the town in her ward that had been neglected and was subject to anti-social behaviour.

The Lead Councillor for Finance and Assets, Customer Services noted the lack of an ideal solution to complete the project and the risk of losing LEP funding should the Council seek an extension to the LEP deadline to re-examine the design of the bridge. He advocated pursuing a more flexible bridge design that would not restrict future choices for the area and commented on the expense of the current proposal.

The Lead Councillor for Major Projects indicated that the Executive should not feel bound by decisions or scrutiny undertaken by a previous administration and the Council was obligated to consider the project, particularly the cost and design of the bridge.

The Lead Councillor for Waste, Licensing, and Parking commented on the availability of information to Councillors requesting it and the need for a replacement bridge.

The Lead Councillor for Community Health, Support and Wellbeing questioned the scope of the discussion and reasons for the call-in and noted the subjectivity of design objections.

The Lead Councillor for Countryside, Rural Life, and the Arts indicated that the replacement bridge was necessary and that the project should be progressed with the bridge design perhaps re-examined within the scope of the existing planning permission.

The Lead Councillor for Tourism, Leisure, and Sport noted that the newness of the Executive members to their roles did not lessen their decision-making abilities.

The Chairman referred to the designation of financial information within two appendices of the report submitted to the Committee as exempt due to its relevance to an ongoing commercial negotiation and commercial sensitivity. The Committee

RESOLVED: That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of information contained within Appendices 3 and 4 to the report on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act; namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Chairman invited those Councillors who had called-in the proposed decision of the Executive to explain, with reference to exempt information, their reasons for doing so. The Leader of the Council made a statement in response.

The Committee debated the exempt information related elements of the call-in and the Leader of the Council, the Lead Councillor for Finance and Assets, Customer Services, and the Lead Councillor for Major Projects responded to the debate.

Following consideration of the exempt information and readmittance of the public to the meeting, the Committee considered whether or not to refer the proposed decision back to

the Executive for reconsideration and possible comments and advice to accompany any such referral.

RESOLVED: (I) That the proposed decision taken by the Executive on 7 January 2020 in connection with the Walnut Bridge project be not supported and that it be referred back to the next appropriate meeting of the Executive for reconsideration.

(II) That, in considering the referral back of the proposed decision, the Executive be requested to take into account the following comments and advice from the Overview and Scrutiny Committee:

- (a) To re-examine the financial arrangements with the LEP in relation to a possible further extension of the delivery deadline.
- (b) To investigate the possible separation of the ramp from the bridge design, with the aim of a cheaper, less permanent option to the proposed ramp, in order to better accommodate any changes that may arise from the Town Centre Master Plan process.
- (c) Subject to the outcome of the discussions with the LEP, to take the opportunity of looking at the bridge design in the round.
- (d) To review the proposed decision on the Walnut Bridge project with consideration to the Town Centre Master Plan.
- (e) To consider whether it would make sense for the Town Centre Master Plan to be progressed prior to a decision being made in respect of proceeding with the Walnut Bridge project.

The meeting finished at 9.27 pm

Signed

Date

Chairman