

Executive Report

Ward(s) affected: Friary & St Nicolas

Report of Strategic Services Director

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Call-in of Proposed Executive Decision: Walnut Bridge – application for additional funding

Executive Summary

Following a call in by a number of councillors of the proposed decision taken by the Executive at its meeting on 7 January 2020 in relation to additional funding for the Walnut Bridge project, the Overview and Scrutiny Committee (OSC) reviewed the matter at its special meeting held on 4 February 2020.

The purpose of this report is to inform the Executive of the outcome of that review.

The OSC explored the Executive's understanding of the project; whether the Executive had sufficient and accurate information, took into account all relevant facts and assessed them properly; and considered whether the Executive had acted in accordance with the Constitution's principles of decision making.

OSC resolved as follows:

- (1) 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.
- (2) 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 terms of a possible further extension of the delivery deadline.
 - (b) To investigate the possible removal 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 Masterplan 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 Masterplan to be progressed prior to a decision being made in respect of proceeding with the Walnut Bridge project.

Therefore, in accordance with Overview and Scrutiny Procedure Rule 16 (f), the proposed decision must now be reconsidered by the Executive, taking into account the comments/ advice submitted by the OSC referred to above. Once a decision has been referred back to the Executive following a call-in, it shall not be subject to further call-in.

Following the OSC meeting, a meeting with representatives of the LEP has been arranged for Tuesday 11 February 2020, at which the possibility of an extension to the deadline for completion of the project will be explored. Details of the outcome of that meeting will be reported to the Executive.

Recommendation to Executive

The Executive is asked to note the outcome of the call-in of the proposed decision taken on 7 January 2020 in relation to the Walnut Bridge project, which was considered by the OSC at its special meeting on 4 February 2020, and give formal consideration to the comments/advice/ suggestions put forward by OSC.

Reason for Recommendation:

To ensure compliance with Overview and Scrutiny Procedure Rule 16.

Is the report (or part of it) exempt from publication?

Yes, Appendices 1, 2 and 4 to the report.

Appendices 1, 2 and 4 are to be treated as exempt from the Access to Information publication rules because they include information which describes matters directly relevant to an ongoing commercial negotiation, and which constitute commercially sensitive information, and therefore should be exempt from publication under Paragraph 3, of Part Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person (including the authority holding that information)).

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Executive of the outcome of the OSC’s review of the proposed decision taken by the Executive at its meeting on 7 January 2020 in relation to additional funding for the Walnut Bridge project following a call-in by a number of councillors.

2. Strategic Priorities

- 2.1 Principles of good decision-making, such as being open and accountable, underpin the Council’s strategic framework for delivery of its vision for the Borough. Use of Overview and Scrutiny’s power of call-in can help ensure that the Council adheres to these principles.

- 2.2 More specifically, call-in enables councillors to intervene when they feel that a decision being made by the Executive is questionable and needs to be revisited and possibly changed. In addition, call-in can enable further debate on a topic of political contention and provide a forum both for opposition to, and explanation of, a decision.
- 2.3 Providing an opportunity to ask the Executive to reconsider decisions before they are implemented can lead to improved decisions – in turn, improving the delivery of quality and value for money services – and help ensure we are more open and accountable to our residents.

3. Background

3.1 At its meeting on 7 January 2020, the Executive considered a report on the Walnut Bridge project, and resolved as follows:

- (1) That a virement of £450,000 be transferred from the capital contingency fund for the Walnut Bridge Project.
- (2) That the Bedford Plaza Public realm works be incorporated within the Walnut Bridge Project.
- (3) That £350,000 be transferred from the provisional to approved capital budget to fund the public realm work.

Reasons:

It had become apparent that there was a funding gap and a virement of £450,000 was required to get this project completed.

The assimilation of the Bedford Plaza Public Realm works into the Bridge project was twofold:

1. To combine the lighting design for both schemes within the main Bridge Contract and
2. To leverage some of the associated budget for use on the Bridge project through economies of scale and mobilisation costs etc.

The budget for the public realm works would need to be transferred to the approved budget to enable the work to proceed.

3.2 Following a call-in of the proposed decision, the matter was referred to the OSC for review at its special meeting held on 4 February 2020.

3.3 The grounds for calling in the proposed decisions were stated as follows:

(i) that there was insufficient, misleading, or inaccurate information available to the decision-maker;

The Executive decision was based upon the Report dated 7 January 2020 (the report) which:

- contains insufficient information on the background to the Bridge Project from July 2016 to the date of the Executive meeting on 7 January 2020.

- contains 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.
- [refers to exempt information – please see Appendix 2]
- [refers to exempt information – please see Appendix 2]
- states in para 10.1 ‘...however, the carbon cost of constructing a new bridge is currently not measurable.’ We believe that it is possible to estimate such costs. A quick look at google reveals a few different tools.
- [refers to exempt information – please see Appendix 2]
- provides little background or information about the Bedford Plaza Public Realm Project (other than reference to bringing The Public Realm contract back into the Bridge contract - paras 3.14 to 3.17) to explain and justify the transfer of a further £350,000 from the provisional to approved budget.

Report to Executive, dated 28 August 2018¹ states:

- 3.16 There would remain an important element of landscaping and provision of public art around the bridge structure [. . .]’. It is unclear whether this is still the case.

(ii) that all the relevant facts had not been taken into account and/or properly assessed;

- [refers to exempt information – please see Appendix 2]
- does not take account of the fact that, on 23 July 2019, the Council resolved:
“That the process for bringing forward, within the term of this Council, a sustainable Town Centre Master Plan Development Plan Document be commenced immediately, and the Director of Planning and Regeneration be authorised to engage external master-planning consultancy advice to assist in this process.”²
- only considers two options – to cease the project or agree the additional funding. It does not consider any other options such as request LEP to authorise a delay, or seek a cheaper and/or more flexible solution to avoid impeding the Town Centre Masterplan.

¹ Report to Executive, ‘Walnut Bridge Design’, 28 August 2018.
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=132&MIId=745&Ver=4>

² Minute CO29, ‘Notice of Motion – Town Centre Master Planning’, Council, 23 July 2019 refers.
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=159&MIId=863&Ver=4>

- states in s 9.1, ‘the delivery of the bridge would however improve accessibility for those with mobility challenges.’ In 12.1 it states the bridge part of plans.....‘providing improved travel routes for cyclists and pedestrians.’ However, there is no cycle or disabled access to/from the towpath which provides a key link to other parts of the town.
- States in paragraph 12.2, ‘the projects have been tested and evaluated on numerous occasions.’ However, we do not think that O&S [Overview and Scrutiny] has ever scrutinised the bridge project. The project has featured in several reports but has changed substantially from the original concept and it is now time to look at the whole picture and not just the incremental stage.

(iii) that the decision is not in accordance with the decision-making principles set out in the Constitution

- Report dated 7 January 2020 records that in July 2016 the Executive endorsed the Bridge project with a Budget of £3.4 million (para 3.12 of the report). The report concentrates on the virement of £450k.... [refers to exempt information – please see Appendix 2]

3.4 The Leader of the Council’s response at the meeting to each of the grounds for the call in that were dealt with in the public part of the meeting is attached as Appendix 3. The response given to those grounds for call in dealt with following the exclusion of the public is set out in Appendix 4.

4. Outcome of the Call in

4.1 After reviewing the proposed decision, the OSC resolved as follows:

- (1) 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.
- (2) 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 terms of a possible further extension of the delivery deadline.
 - (b) To investigate the possible removal 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 Masterplan 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 Masterplan to be progressed prior to a decision being made in respect of proceeding with the Walnut Bridge project.

- 4.2 Following the OSC meeting, a meeting with representatives of the LEP has been arranged for Tuesday 11 February 2020, at which the possibility of an extension to the deadline for completion of the project will be explored. Details of the outcome of that meeting will be reported to the Executive.

5. Financial Implications

- 5.1 Financial implications of the proposed decision are set out in section 6 of the report considered by the Executive on 7 January 2020. In addition, comments relating to the financial consequences of the proposed decision feature in the reasons for the call-in.

6. Legal Implications

- 6.1 Legal implications associated with the proposed decision are within section 7 of the report considered by the Executive on 7 January 2020.
- 6.2 The OSC has the power, under section 9F of the Local Government Act 2000, to recommend that the Executive's decision of 7 January be reconsidered.
- 6.3 Under Overview and Scrutiny Procedure Rule 16, the OSC has referred the decision back to the Executive for reconsideration, with such comment and advice as the Committee deemed appropriate – see paragraph 4.1 above.

7. Human Resource Implications

- 7.1 There are no human resources implications arising directly from this report. However, human resource implications of the proposed decision are put forward in the report considered by the Executive on 7 January 2020.

8. Equality and Diversity Implications

- 8.1 The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 8.2 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report. However, equality and diversity implications of the proposed decision are put forward in the report considered by the Executive on 7 January 2020. In addition, comments relating to improved accessibility were included in the reasons for the call-in.

9. Climate Change/Sustainability Implications

- 9.1 No relevant climate change/sustainability implications apply to this report. The sustainability implications of the proposed decision are addressed within the report considered by the Executive on 7 January 2020.
- 9.2 In addition, comments relating to the carbon cost of the bridge featured in the reasons for the call-in.

10. Summary of Options

- 10.1 The Executive is requested to consider and take account of the comments/ advice/ recommendations submitted by the OSC in response to the call-in of the proposed decision in respect of the application for additional funding for the Walnut Bridge project and determine whether to:
- Confirm the decision taken on 7 January 2020 and proceed with the project on that basis; or
 - Modify the decision taken on 7 January 2020

11. Conclusion

- 11.1 In accordance with Overview and Scrutiny Procedure Rule 16 (f), the proposed decision taken by the Executive on 7 January 2020 in relation to the Walnut Bridge project must now be referred back to the Executive at this meeting for final decision, taking into consideration the comments/advice submitted by the OSC referred to in paragraph 4.1 above.
- 11.2 Once a decision has been referred back to the Executive following a call-in, it shall not be subject to further call-in.

12. Background Papers

Report to Executive, 'Walnut Bridge Replacement Project', 19 July 2016.
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=132&MId=465&Ver=4>

Report to Executive, 'Walnut Bridge Design', 28 August 2018.
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=132&MId=745&Ver=4>

Report to Executive, 'Walnut Bridge – application for additional funding', 7 January 2020.
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=132&MId=877&Ver=4>

13. Appendices

Appendix 1: Annex to Report to Executive, 'Walnut Bridge – application for additional funding', 7 January 2020. (EXEMPT FROM PUBLICATION UNDER PART 1 SCHEDULE 12A PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972)

Appendix 2: Full text of call-in reasons submitted on 14 January. (EXEMPT FROM PUBLICATION UNDER PARAGRAPH 3 OF PART 1 SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972)

Appendix 3: Response given by the Leader of the Council at the Overview and Scrutiny Committee meeting on 4 February 2020 to the grounds for call in dealt with in the public part of the meeting

Appendix 4: Response given by the Leader of the Council at the Overview and Scrutiny Committee meeting on 4 February 2020 to the grounds for call in that referred to exempt information (EXEMPT FROM PUBLICATION UNDER PARAGRAPH 3 OF PART 1 SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972)