

Scrutiny Committee

Report Title:	Call in of Cabinet Decision on Ipswich Park and Ride
Meeting Date:	29 June 2016
Director:	Geoff Dobson, Director of Resource Management
Assistant Director or Head of Service:	Aidan Dunn, Assistant Director, Procurement and Passenger Transport
Author:	Aidan Dunn, Assistant Director, Procurement and Passenger Transport

Brief summary of report

1. At its meeting on 14 June 2016 the Cabinet considered a report on the Ipswich Park and Ride (Agenda Item 7). The Cabinet's decision is set out in paragraph 4 of this report.
2. Under Rule 13.1 of the Council's Constitution (Part 2 – Rules of Procedure), this decision was called-in to the Scrutiny Committee.

Actions available to the Committee

3. The Committee can decide:
 - a) To reject the call in and endorse the Cabinet decision making process and the decision can then be implemented; or
 - b) To refer the decision back to Cabinet setting out, in writing, its reasons for so doing; or
 - c) To refer the decision to full Council if it considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget set by the Council. (Part 2 rule 13.4.3. of the Constitution)

What is the decision that has been called in?

4. The recommendations agreed by Cabinet on 14 June 2016 regarding the Ipswich Park and Ride are as follows:
 - a) To approve the principles of the new operating model for the Ipswich Park and Ride bus service as set out in paragraph 25 of the Cabinet Report.
 - b) To delegate authority to the Director of Resource Management, in consultation with the Cabinet Member for Highways and Transport to finalise the arrangements for the new bus service, and organise the smooth transition from the existing arrangements to the new model.

- c) To delegate authority to the Director of Resource Management, in consultation with the Cabinet Member for Highways and Transport to undertake an options appraisal to determine the best use of the sites to minimise their net running costs, and implement that option.

How was the matter called in?

5. On 15th June notice of the call-in of the decision made by the Cabinet was given by Councillors Sandra Gage, Sandy Martin, Len Jacklin, Sarah Adams and Helen Armitage to the Monitoring Officer in accordance with Rule 13.2.1 of the Rules of Procedure (Part 2 of the Council's Constitution).

Grounds for the Call-in

6. The reason(s) for a call-in must include one or more of the following grounds:
That the decision was not taken in accordance with one or more of the following principles:
 - a) Proportionality (i.e. the action was not proportionate to the desired outcome);
 - b) Due consultation and the taking of professional advice from officers;
 - c) Respect for human rights and for the Equality Duty (have these been considered);
 - d) A presumption in favour of openness;
 - e) Clarity of aims and desired outcomes;
 - f) Explaining the options considered and giving the reasons for the decision;
or
 - g) For any other reason (to be stated)
7. The grounds for this call-in are shown in the following paragraphs in bold type.

Response to Call-in

8. Each of the reasons for the call in are addressed below:-

Call in reason number one

Due Consultation – although the paper proposes a possible replacement service, the Cabinet member made it clear at the meeting that notice for the ending of the service would be served this month, while the viability of any replacement service has not yet been established, hence consultation is required on the impact of ending the service before notice is served.

Response

9. In the Cabinet meeting, the Cabinet Member stated:
“In terms of the six months’ notice it is our plan actually to try and implement this from January 2017 so all being well, by definition we will be seeking to consider placing a six month notice period at the end of this month. At this stage that has not been finalised because we wanted to share views of this meeting before that decision was made.”

10. Paragraph 39 of the Cabinet report details the next steps for the project following cabinet approval were to be:
 - a) agree a Memorandum of understanding with the two operators
 - b) undertake further customer and public engagement in partnership with the operators to fine tune the service offers
 - c) work up a programme for the delivery of infrastructure changes
 - d) select the preferred options to maximise income / minimise costs of the sites.
 - e) serve notice on the existing contract
 - f) Implement the changes.
11. It was therefore made clear to Cabinet that notice had not been served on the existing contract, and that notice would not be served until the Director of Resource Management and the Cabinet member for Highways and Transport were both confident with the arrangements for the new service as per action points (a) to (d) above.
12. Furthermore, the terms of the delegation requested from Cabinet require the Director of Resource Management and Cabinet member for Highways and Transport to organise the 'smooth transition from the existing arrangements to the new model'.
13. Consequently, it is clear that delegation has not been given to close the service. If it was the intention to close the service then it would be necessary to undertake appropriate consultation and impact assessment, and only then bring that recommendation to Cabinet.
14. In summary, as the paper was not proposing that the service should close, there was no requirement to undertake consultation with the public on the impact of ending the service.
15. Based on the above explanation officers believe that there was sufficient evidence provided to Cabinet to make their decision on this particular matter.

Call in reason number two

A presumption in favour of open-ness – Important correspondence from key stakeholders in the decision – namely Ipswich Borough Council, Ipswich Vision/New Anglia LEP, and the MP for Ipswich – was not made available to the public at the meeting or even to the members of the Cabinet who were tasked with making the decision, despite important information in that correspondence which will impact on the viability of the decision, and despite the requests from at least one of those stakeholders that that information should be made available.

Response

16. Following publication of the Cabinet paper, correspondence was received from the Leader of Ipswich Borough Council and from the Chairman of the LEP. Copies of the correspondence are attached at Appendices 1 and 2. Reference was made to both letters during the Cabinet meeting.

17. Correspondence emphasising the importance of the highways infrastructure improvements was received from Ben Gummer MP on the 16 June. This was two days after the Cabinet meeting, so clearly this information was not available at the time of the Cabinet meeting and could not be taken into account in the decision-making.
18. Although the responsibility and funding for the Park and Ride rests solely with the County Council, the approach taken has been to engage and listen to as many stakeholders as possible including bus operators, the public, customers, business representatives, Ipswich Hospital and Ipswich Borough Council. Officers from Ipswich Borough Council and representatives of the Ipswich Vision have both attended the working group meetings which have developed the new operating model for the Park and Ride. During the course of the various meetings they have made their views clear on the importance of highways improvement to make the new service attractive to customers. The letters received after the publication of the paper reinforced their view.
19. The Cabinet Member for Highways and Transport also agrees with the importance of those highways improvements referring to them on five occasions in the paper to Cabinet. (extracts below).

Paragraphs 12 and 13

- 12 From an overall service perspective any change which has a significantly adverse impact on customers could reduce the number of customers and thus the long term viability of the service.
- 13 Infrastructure changes are being requested to help make the new services as efficient as possible, to keep travel times as close to the existing services as possible. This will require investment by the County Council from existing highways improvement budgets. Proposed significant changes by the bus companies to road layouts and changing priorities that support quicker bus travel into town will require public consultation and support which could have an impact on construction dates.

Paragraphs 20 and 21

- 20 There is a contractual requirement to give 6 months' notice to the existing operator of the Ipswich Park and Ride. Budget reductions have already been made meaning that savings need to be made as soon as possible. However, the project group is mindful that if the new service is launched too soon and without journey times similar to the current service, then customers may stop using the service and be hard to win back.
- 21 The key point is that any change of service will need to be supported by small scale infrastructure/traffic priority changes to ensure that customers are not lost. The operators are unlikely to be prepared to operate the new model if these changes are not made otherwise the likely loss of passengers will mean the commercial operation will not be viable. The target date for the start of the new service is therefore January 2017 although this will be kept under review.

Paragraph 29

29 Operators have requested that some infrastructure changes be made to help improve the speed of services and have asked for these to be completed before the new model is introduced. These include taking out laybys, remodelling junctions and traffic light phasing. The Council is exploring possibilities and as part of the due diligence will agree a timeline with the operators. The improvements may have to be implemented on a phased basis.

20. The Cabinet Member chose not to circulate the letters to Cabinet due to concern that it could give the misleading impression that it was necessary or desirable to implement all 34 suggested highways improvements in their **entirety** before the new service starts. As Paragraph 33 (below) explains a process has begun to sift through all 34 suggestions, to model, test and agree with operators those that are most appropriate and cost effective. Although the Cabinet Member values the views of stakeholders, he believed that it would be irresponsible to even consider giving a firm commitment to implementing the infrastructure improvement 'in their entirety' until rigorous assessment had been undertaken.
21. In summary, the correspondence received after the Cabinet paper was published emphasised the importance of the highways improvements to the overall project. The Cabinet paper already acknowledges the importance of the issue, and in that regard the issue is out in the open. The authority that was delegated to the Director of Resource Management and the Cabinet Member would enable them to address the issues raised in the letters.
22. Based on the above explanation, officers believe there was sufficient openness for the Cabinet to make an informed decision.

Call in reason number three

Clarity of aims and desired outcomes – The Cabinet member made it perfectly clear that this was an “in principle” decision, that “it is an Outline” for a possible service, and that “there is nothing specific being proposed at this time”. While it is normal practice for final details of policy to be delegated to Cabinet members in consultation with the Director, the basic principles of this issue – whether or not the service will be replaced by an effective alternative – are not yet determined, and so it is unreasonable for this in-principle decision to also be used to delegate responsibility for other unspecified actions. Even the one clear proposal outlined by the Cabinet member at the meeting – namely the serving of notice to the Park & Ride provider by the 1 of July 2016 – was not explained in the paper or made as a recommendation.

Response

23. The Constitution, Part 1 Section 9, explains the principles of decision making and includes the delegation of executive functions to a committee of Cabinet, an individual Cabinet Member, or an officer for example. For one-off delegations, to implement decisions of Cabinet, the extent of the delegation is

to be determined by Cabinet provided it is within the remit of the original decision.

24. The Cabinet paper is explicit in its recommendations and associated delegations - specifically to approve the principles of the new operating model, finalise the arrangements and implement them with a smooth transition.
25. It is clear that under this delegation that if the Director and Cabinet Member wished to take an alternative course of action (e.g. closure) then they would have to return to Cabinet and seek approval.
26. Neither the paper nor the Cabinet Member made a commitment to serve notice on the contract by 1 July 2016.
27. In summary, the delegation considered by Cabinet fits within the constitution. The delegation is specific in what the Director and Cabinet Member are allowed to do, and no commitment was made to serve notice on the existing contract by 1 July 2016.
28. Based on the above explanation officers believe that there was sufficient clarity of aims and desired outcomes for the Cabinet to make their decision.

Call in reason number four

Explaining the options – A number of options are mentioned in the paper, but there is no attempt in the paper to cost out or assess the financial benefits of any of these options. A booklet with possible infrastructure improvements had been prepared but nobody other than the Cabinet member had seen it. There was no clear explanation in the paper of which options were more likely to be viable and which were less likely

Response

29. The Cabinet paper refers to options in three different contexts and it is unclear which the call in relates to. The first context is that of the Park and Ride overall.
30. In February 2016 the Council approved the 2016/17 Council budget which included a requirement to review the Park and Ride service to *'find savings during 2016-17, with the intention of the service being self-funding by 2017-18. If the service is not able to become self-financing then the Council will consider closing the entire operation in order to achieve the required savings'*.
31. In this context, Para 17 and Para 18 of the Cabinet paper make it clear that there are three options available for the Park and Ride: Closure, reinstate the budget or develop an alternate self-funding model. It is clear that the Cabinet paper addresses the third model, and requests delegation to implement it.
32. The second area where 'options' are referenced in the Cabinet paper relate to the highways improvements. During the Cabinet meeting the Cabinet Member referred to a range of potential highways improvements which are being considered to help improve traffic flow around Ipswich and speed up services in general. This 'booklet' of suggested improvement is a work in progress and is attached at Appendix 3.
33. The next step in this process is for a multidisciplinary team of highways officers, transport planning officers, the bus operators and colleagues from the Borough

to work through this list of 34 possible improvements to assess the cost, benefit and wider implications of each of the suggested improvements and their cumulative impact on traffic flows in the town. This work has started and the aim was to agree a programme of changes, before serving notice on the current contract. The Director of Resource Management has authority to implement any or all of these improvements as part of his general remit.

34. The third area where options are referenced is in relation to the future use of the Park and Ride sites, addressing the issue of underutilisation and cost of maintenance.. The intention is to 'sweat' these assets to make them self funding, and there are already some commercially sensitive discussions being held. The Cabinet paper describes how market research commissioned from Concertus Design and Property Consultants has identified some commercial potential of the facilities. There are a number of options which could either generate income or reduce costs:
- a) Transfer the London Road site to Ipswich Borough Council (IBC have offered to take responsibility for the site and to meet all the costs associated with continuing to operate it as a Park and Ride site.)
 - b) Rent out the existing facilities on a commercial basis.
 - c) Generate rental income by leasing some of the excess parking spaces as land for commercial use.
 - d) Lease part of the Martlesham site to the East of England Ambulance Service. (The Ambulance Service has expressed a clear interest in developing an ambulance 'hub' site at this location.)
 - e) Develop a 'solar farm' above the car park on London Road, and sell the electricity generated.
35. The next stage is therefore a detailed options appraisal to select and implement the best option(s). This workstream is overseen by the Corporate Property Board and will accord with the delegations incorporated in the Annual Property report approved by Full Council in December 2015. The relevant paragraphs are extracted below.

Governance

126. The Director of Resource Management has authority to approve all best value transactions. This authority has been delegated to the Assistant Director (Corporate Property). Delegations below this level are set out in Corporate Property's quality management procedure.

127. The following principles will be followed:

- Decisions will be made in consultation with the appropriate Cabinet Member when relevant.
- Items of a significant or controversial nature will be referred to Cabinet.
- Less-than-best value disposals below £2m can be approved by the Director of Resource Management.
- Less-than-best value disposals of more than £2m require Secretary of State approval.

- The Director of Resource Management has authority to agree acquisitions providing they are not more than market value and are approved within the Capital programme or funded by another approved budget.

36. In summary, details of the options for the future of the Park and Ride were provided very clearly to Cabinet, and in agreeing to the recommendation they approved the option of continuing with the Park and Ride on a self funding basis, as originally outlined in the January budget paper. Details of the options on the site and the highways are operational matters which can be addressed through the powers already delegated to officers and Cabinet members.
37. Based on the above explanation officers believe that there was sufficient explanation of the options for Cabinet to make their decision.

Sources of further information

- a) Cabinet Paper 14 June 2016 [Agenda Item 7](#)
- b) Council Paper 10 December 2015 [Item 10](#)

From: [David Ellesmere](#)
Sent: 10/06/2016 10:24
To: [James Finch](#)
Cc: [Colin Noble](#); [Christopher Hudson](#); [Deborah Cadman](#); [Sandy Martin](#)
Subject: SCC Cabinet Meeting 14th June - Park and Ride Report

Dear James

I have read with interest your report about Ipswich Park and Ride that is going to your Cabinet next week.

As you know Ipswich Borough Council along with all other partners involved in Ipswich Vision have taken a keen interest in this matter since you first suggested that the County Council subsidy for it be removed.

I would be grateful if you would circulate this email to your Cabinet colleagues and make copies available at the meeting so that our comments can be taken into account when the report is considered.

Ipswich Borough Council still believes that a dedicated Park and Ride service should be provided for Ipswich. We should expect nothing less for our county town.

However, in the face of the County Council's determination to cut the cost of the service to zero we have been prepared to support the plans for a service based on commercial routes but *only* on assumption that average journey time (i.e. from arriving at the site to alighting in the town centre) does not decrease.

This is not the case for proposed new Martlesham service and therefore this does not have our support as currently planned.

For the Copdock service, the operator has made clear that this can only be achieved if, and only if, the necessary infrastructure improvements are put in place first.

We are concerned that the principles set out in paragraph 25 do not state that the infrastructure should be put in before the new service commences. Our concern is increased by the statement in paragraph 29 that the *"improvements may have to be implemented on a phased basis."*

If the new service is started without the infrastructure improvements, journey times will be worse, users will go elsewhere and it will be difficult, if not impossible, to win them back.

For the avoidance of doubt, if the infrastructure improvements are not put in place first, in their entirety, then we are opposed to the proposed service changes.

We are also concerned that there does not appear to have been as much thought given to the infrastructure improvements needed on the Martlesham route as for Copdock.

This would reduce the attractiveness of this route even if a sufficiently frequent service was timetabled. Currently, inbound buses are often severely delayed along with general traffic in Warwick Road and St Helens Street. I am aware of passengers alighting at the Duke of York stop on Woodbridge Road and completing the rest of the journey on foot because it is quicker to get into town than by staying on the bus.

We believe that more work needs to be done on identifying infrastructure improvements to remedy this situation. While not wishing to pre-judge these investigations it is our current belief that this can only be achieved by the re-opening of Rope Walk to traffic.

These matters were discussed at the last Vision Board meeting and all the partners were of the view that it was essential that the necessary infrastructure changes are undertaken prior to any changes to the Park and Ride services taking place. Councillor Hudson was at that meeting so he will be able to confirm to the Cabinet that this is the Vision Board's unanimous view.

If it is not possible to complete the infrastructure improvements before January 2017 I would reiterate Ipswich Borough Council's willingness to take on the management of the Copdock site from this date to enable the County Council to start making savings immediately. I look forward to discussions starting on this.

Regards,
Cllr David Ellesmere
Leader
Ipswich Borough Council

Councillor James Finch
Cabinet Member for Highways and Transport
Suffolk County Council
Endeavour House
Ipswich
Suffolk
IP1 2BX

13th June 2016

Dear James,

I understand that the future of the Park and Ride is being discussed at the County Council Cabinet this week. I am sure that Councillor Hudson has already updated you on the discussion held at the Ipswich Vision Board on 20th May, when the County Council's effort's to work with the Vision partners on this matter were praised, and of the recommendations agreed by the Board. The recommendations proposed by the County Council were supported but predicated on necessary infrastructure improvements being put in place in advance of the changes to the service.

The Cabinet Report makes reference to the potential for infrastructure changes being phased. On behalf of the Ipswich Vision Board, I would appreciate your reassurance on this point.

The Park and Ride service is important, not only as a means of reducing town centre traffic, but also as a statement of Ipswich's status as a key regional employment and retail centre. It is important to all Vision Partners that the service changes are a success and, in launching the new service, first impressions will surely count.

Further, during our debate it was agreed by all that were the infrastructure improvements not in place, there was a danger passengers would be lost to the service.

Should infrastructure improvements be delayed beyond the commencement of the new service, this would be a great disappointment to the County Council's partners in Ipswich. I hope that you can confirm that this will not be the case.

Yours sincerely



Mark Pendlington
Chairman

Highways issues to consider for improving bus journey times

Ipswich traffic congestion infrastructure issues			
No.	Area	Description of issue	Suggested action
1	Ancaster Road/Princes Street.	Signals issues.	To undertake traffic signal modelling. To implement changes and monitor.
2	Ancaster Road/Princes Street.	Corner (left from Ranelagh Road into Princes Street).	To investigate options.
3	Ancaster Road/Princes Street.	Under bridge Ancaster Road (right into Ranelagh Road).	To investigate options.
4	Ancaster Road/Princes Street.	Under bridge Ancaster Road.	Consider removal of advance cycle box.
5	Ancaster Road/Princes Street.	Under bridge Ancaster Road (uphill).	To investigate options where road narrows.
6	Ancaster Road/Princes Street.	Corner of Ancaster Road/Gippeswyk Avenue (uphill).	To investigate options.
7	Ancaster Road/Princes Street.	Gippeswyk Avenue/Birkfield Drive (uphill).	To investigate options.
8	Ancaster Road/Princes Street.	Birkfield Drive.	To investigate options for bus lane (downhill flow).
9	Ancaster Road/Princes Street.	Gippeswyk Avenue.	To investigate options for bus lane (downhill flow).
10	St Helens Street.	Warwick Road junction (right into St Helens Street).	To undertake traffic signal modelling. To implement changes and monitor.

11	St Helens Street.	Warwick Road junction (right into St Helens Street	To investigate box junction options.
12	St Helens Street	St Helens Street.	To investigate options for bus lane.
13	St Helens Street.	Rope Walk.	To investigate options. To undertake modelling.
14	St Helens Street.	Rope Walk/Grimwade Street junction.	To investigate options.
15	St Helens Street.	Rope Walk/Eagle Street junction.	To investigate options.
16	St Helens Street.	Tacket Street.	To investigate options.
17	St Helens Street.	Dogs Head Street.	To investigate options.
18	St Helens Street.	Future shared use of both bus stations.	Consider future options on geographic basis.
19	Fore Street/Star Lane	Junction.	To investigate box junction options.
20	Fore Street/Star Lane	Junction.	To investigate traffic enforcement options.
21	Museum Street	Museum Street/Princes Street.	To undertake traffic signal modelling. To implement changes and monitor.
22	Museum Street	Museum Street/Princes Street.	To investigate options.
23	Museum Street	Museum Street/Princes Street.	To investigate if some buses could use Civic Drive instead of Museum Street.
24	Town Centre gyratory	Town Centre congestion.	To investigate bus route options.
25	Buttermarket shopping centre.	Cars cause traffic congestion when queuing to access car park.	To investigate options.
26	Buttermarket shopping centre.	Carpark full signs.	To investigate options.
27	Sidegate Lane junction/ Woodbridge Road.	Bus stop.	To investigate options.

28	Sidegate Lane junction/ Woodbridge Road.	Traffic flow Nelson Road (southbound).	To investigate options.
29	Woodbridge Road/Golden Key junction.	Timing point.	To investigate options.
30	Hawthorn Drive/ Belmont Road	Bus stop/layby.	To investigate options.
31	Woodbridge Road shops	Bus stop.	To investigate options.
32	Hospital layby	Bus stop.	To investigate options.
33	Hospital layby	Bus shelter.	To investigate options.
34	Hospital layby	Layby/raised kerb.	To investigate options.

