

Delegated Decisions by Cabinet Member for Infrastructure & Development Strategy

***Thursday, 15 August 2024 at 11.00 am
Room 3 - County Hall, New Road, Oxford OX1 1ND***

If you wish to view proceedings, please click on this [Live Stream Link](#).
However, that will not allow you to participate in the meeting.

Items for Decision

The items for decision under individual Cabinet Members' delegated powers are listed overleaf, with indicative timings, and the related reports are attached. Decisions taken will become effective at the end of the working day on 22 August 2024 unless called in by that date for review by the appropriate Scrutiny Committee.

Copies of the reports are circulated (by e-mail) to all members of the County Council.

These proceedings are open to the public



Martin Reeves
Chief Executive

August 2024

Committee Officer: ***committeesdemocraticservices@oxfordshire.gov.uk***

Note: *Date of next meeting: 5 September 2024*

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

Items for Decision

1. Declarations of Interest

See guidance below.

2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

3. Petitions and Public Address

Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.

Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to committeesdemocraticservices@oxfordshire.gov.uk .

If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.

4. Minutes of the Previous Meeting (Pages 1 - 10)

To confirm the minutes of the meetings held on 23 May 2024, 20 June 2024 and 18 July 2024 to be signed by the Chair as a correct record.

EXEMPT ITEM

In the event that any Member or Officer wishes to discuss the information set out in the **annex** to Agenda Item **5**, the Committee will be invited to resolve to exclude the public for the consideration of the **annex** by passing a resolution in relation in the following terms:

"that the public be excluded during the consideration of the **annex** since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report does not contain exempt information and is available to the public

THE **ANNEX** TO THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.

5. Access to Witney: Shores Green Junction Approval of Contract Award of Construction (Pages 11 - 16)

Cabinet Member: Infrastructure and Development Strategy

Forward Plan Ref: 2024/199

Contact: Gareth Slocombe, Programme Lead

(Gareth.Slocombe@oxfordshire.gov.uk)

Report by Director of Environment and Highways (**CMDIDS5**)

The information in this case is exempt in that it falls within the following prescribed categories:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The **report/annex** containing exempt information under the above paragraph is attached.

The Cabinet Member is RECOMMENDED to:

- a) **Delegate authority to the Director of Environment and Highways, to approve the entering into a Works contract with Milestone Infrastructure for the value of £12.703m (excl. VAT) pursuant to the Pagabo Civil and Infrastructure Framework (Lot 2), and to approve entering into an Enabling Works contract with Milestone Infrastructure via their existing Highways Partnership Contract (HPC) - Terms and Services Contract, for the value of £1.900m, together representing the full construction of the Access to Witney Scheme.**

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

Members Code – Other registrable interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Members Code – Non-registrable interests

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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Agenda Item 4

DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE & DEVELOPMENT STRATEGY

MINUTES of the meeting held on Thursday, 23 May 2024 commencing at 2.00 pm and finishing at 2.20 pm

Present:

Voting Members: Councillor Judy Roberts – in the Chair

Officers: Jack Ahier (Democratic Services Officer), Dan Hammond (Project Manager – South & Vale Programme)

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

16 **DECLARATIONS OF INTEREST**

(Agenda No. 1)

There were none.

17 **QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda No. 2)

There were none.

18 **PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 3)

There were none.

19 **A4130 STEVENTON LIGHTS INTEGRATED TRANSPORT CORRIDOR SCHEME - APPROVAL TO ISSUE A TASK ORDER FOR THE CONSTRUCTION OF THE SCHEME**

(Agenda No. 4)

The Cabinet Member for Infrastructure and Development Strategy invited everyone to the meeting and asked officers for some context to the report. Officers explained that the scheme was focused on public transport and active travel, with bus lanes and cycleways planned to be introduced.

The Cabinet Member asked officers about the consultation process. Officers stated that a local information event would be held at Steventon Village Hall to give local residents information about the scheme.

The Cabinet Member noted the ambition of this project and asked for expected completion dates. Officers noted that the scheme was expected to be finished by March 2025.

The Cabinet Member thanked officers for the report and agreed to the recommendation in the report.

RESOLVED to:

- a) **Delegate authority to the Corporate Director of Environment & Place in consultation with the Director of Finance and the Head of Legal Services & Deputy Monitoring Officer to award an NEC4 ECC Option C (with Option X22) contract to Milestone Infrastructure Limited for target cost setting, market testing (ECI) and the construction works in respect of the A4130 Steventon Lights Integrated Transport Corridor scheme.**

20 DIDCOT NORTHERN PERIMETER ROAD (SECTION 3) SCHEME - APPOINTMENT OF CONTRACTOR
 (Agenda No. 5)

The Cabinet Member invited officers to provide context to the scheme in the report.

Officers noted how this scheme represents the missing link in Didcot with cycling and active travel networks, as well as to support planned housing growth.

The Cabinet Member noted concerns from residents about the alignment of the scheme, and asked when the expected completion date of the scheme would be. Officers noted that this would be in summer 2025.

The Cabinet Member thanked officers for their report and agreed to the recommendations within it.

RESOLVED to:

- a) **Delegate authority to the Corporate Director of Environment & Place in consultation with the Director of Finance and the Head of Legal Services & Deputy Monitoring Officer to appoint Galliford Try to provide design, planning, ECI, target cost setting, surveys and investigation / enabling work support services in relation to the Didcot NPR3 scheme.**

..... in the Chair

Date of signing

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DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE & DEVELOPMENT STRATEGY

MINUTES of the meeting held on Thursday, 20 June 2024 commencing at 2.00 pm and finishing at 2.05 pm

Present:

Voting Members: Councillor Judy Roberts – in the Chair

Officers: Jack Ahier (Democratic Services Officer)

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

21 **DECLARATIONS OF INTEREST**

(Agenda No. 1)

None.

22 **QUESTIONS FROM COUNTY COUNCILLORS**

(Agenda No. 2)

None.

23 **PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 3)

None.

24 **OXFORD ZERO EMISSION ZONE PILOT SCHEME - INCOME SHARING AGREEMENT**

(Agenda No. 4)

The Chair welcomed everybody to the meeting. The Chair informed the meeting that 28 days' notice had not been given as the decision contained exempt information. The Chair stated that the decision would be deferred so that the notice could be given.

The Chair apologised for any inconvenience and deferred the report.

RESOLVED to:

- a) Defer the decision to ‘delegate authority to the Corporate Director of Environment and Place in consultation with the Head of Legal and Deputy Monitoring Officer and Section 151 Officer to negotiate, complete, sign, seal and implement the Income Sharing Agreement with Oxford City Council for the Oxford Zero Emission Zone Pilot Scheme’.**

..... in the Chair
Date of signing 18/07/2024

DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE & DEVELOPMENT STRATEGY

MINUTES of the meeting held on Thursday, 18 July 2024 commencing at 2.00 pm and finishing at 2.20pm

Present:

Voting Members: Councillor Judy Roberts – in the Chair

Officers: Chris Reynolds (Senior Democratic Services Officer), Bryan Evans (Senior Transport Planner), Paul Fermer (Director of Environment and Highways), Stewart Wilson (Place Planning Team Leader – Central).

The Cabinet Member considered the matters, reports and recommendations contained or referred to in the agenda for the meeting [, together with a schedule of addenda tabled at the meeting/the following additional documents:] and agreed as set out below. Copies of the agenda and reports [agenda, reports and schedule/additional documents] are attached to the signed Minutes.

25 DECLARATIONS OF INTEREST (Agenda No. 1)

There were none.

26 QUESTIONS FROM COUNTY COUNCILLORS (Agenda No. 2)

There were none received.

27 PETITIONS AND PUBLIC ADDRESS (Agenda No. 3)

There was 1 registered speaker who spoke on both items.

28 OXFORD WORKPLACE PARKING LEVY SCHEME DEVELOPMENT CONTRACT (Agenda No. 4)

The Chair introduced the item to the meeting, invited the speaker to address the meeting and responded to their points in turn.

The Chair invited officers to provide background information to the scheme. Officers explained that money was provided through the County Council's budget process.

The Chair noted the importance of this stage of the work on the scheme to ensure fairness and that progress would be monitored over a period of time.

The Chair thanked officers for their work and agreed to the recommendations outlined in the report.

RESOLVED to:

- a) Approve the procurement of technical transport consultancy support required for the Workplace Parking Levy project.**
- b) Delegate the award of the contract award to the Director of Economy and Place.**
- c) Authorise officers to progress the development of the Workplace Parking Levy project including the undertaking of the required future public consultation.**

29 OXFORD ZERO EMISSION ZONE PILOT SCHEME - INCOME SHARING AGREEMENT
(Agenda No. 5)

The Chair introduced the item to the meeting, invited speakers to address the meeting and responded to their points in turn.

The Chair asked officers to provide background information to the report. Officers explained that the Oxford Zero Emission Zone (ZEZ) was a road-user charging scheme for vehicles, based upon their emission levels.

Officers noted that the scheme is promoted jointly by Oxfordshire County Council and Oxford City Council, with income from the scheme being shared between the two authorities.

Officers noted that the recommendations would be updated to reflect the new management structure within the County Council.

The Chair thanked officers and agreed to the recommendation in the report.

RESOLVED to:

- a) Delegate authority to the Director of Environment and Highways in consultation with the Head of Legal and Deputy Monitoring Officer and Section 151 Officer to negotiate, complete, sign, seal and implement the Income Sharing Agreement with Oxford City Council for the Oxford Zero Emission Zone Pilot Scheme.**

..... in the Chair

Date of signing

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Divisions Affected – Witney North and East, Eynsham

DELEGATED DECISIONS BY CABINET MEMBER FOR INFRASTRUCTURE AND DEVELOPMENT STRATEGY

15 AUGUST 2024

Access to Witney: Shores Green Junction Approval of Contract Award of Construction

Report by Director of Environment and Highways

RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to

- a) **Delegate authority to the Director of Environment and Highways, to approve the entering into a Works contract with Milestone Infrastructure for the value of £12.703m (excl. VAT) pursuant to the Pagabo Civil and Infrastructure Framework (Lot 2), and to approve entering into an Enabling Works contract with Milestone Infrastructure via their existing Highways Partnership Contract (HPC) - Terms and Services Contract, for the value of £1.900m, together representing the full construction of the Access to Witney Scheme.**

Executive Summary

1. The A40 Access to Witney scheme proposes improvements to the existing B4022/A40 junction at Shores Green. The purposes of the A40 Access to Witney transport scheme are:
 - (a) To reduce congestion and improve air quality in central Witney, including on Bridge Street and in the Air Quality Management Area.
 - (b) To support the delivery of planned housing growth in Witney as set out in the West Oxfordshire Local Plan 2031.
 - (c) To improve access to the A40 from northeast Witney.
2. Planning permission for the Scheme was granted by the County Planning Authority in July 2023, with further permissions granted in March 2024 for minor design variations. A Public Inquiry for the necessary Compulsory Purchase Orders (CPO) and Side Road Orders (SRO) was held in mid-March 2024, and a decision from the Secretary of State for Transport is awaited.
3. In parallel the council is still seeking to acquire all of the land interests that it requires for delivery of the Scheme through private negotiation wherever possible.

Key Issues

4. It is essential that this decision is made urgently to ensure that the construction programme is not adversely affected. The key driver for using the Highways Partnership Contract Framework (Enabling Works) and the Pagabo Civil and Infrastructure Framework (Main Works) with Milestone Infrastructure is to expedite the construction process. This route will produce the shortest time to commence construction and ensure that the allocated Housing Growth Deal funding is spent by the end of March 2025, whilst adhering to the latest programme/timescales.

Financial Implications

5. As identified previously, this report seeks to ensure that authority is in place for entering of a Works contract (for the value of £12.703m excl. VAT) to be issued to Milestone Infrastructure, pursuant to the Pagabo Civil and Infrastructure Framework (Lot 2), and an Enabling Works contract with Milestone Infrastructure called-off via the Highways Partnership Contract Framework (for the value of £1.900m excl. VAT), for the full construction of the Access to Witney Scheme.
6. The total estimated final cost (EFC) of the Scheme is £25.025m. The Scheme will be funded via a mixture of Housing Growth Deal Funding (£15.578m), pending a re-allocation decision by FOP and Section 106 developer contributions (£9.447m) – S106 (Unsecured) of £6.64m which is to be forward funded by OCC Corporate Resources, and S106 (secured) of £2.81m held as secured contributions. The current total risk allocation for the project is £2.285m, forming 16% of the construction budget allocated.
7. There are no budgetary implications, as the budgets for the project have already been previously agreed by Cabinet.

Comments checked by: Rob Finlayson, Finance Business Partner
(rob.finlayson@oxfordshire.gov.uk)

Legal Implications

8. When procuring goods, services or works, the procurement must be conducted in accordance with the Council's Contract Procedure Rules and, where applicable, the Public Contracts Regulations 2015 (PCRs).

The total value of the proposed contract for the Works (including the Enabling Works) is £14.603m excl. VAT and therefore is above the PCRs threshold for services which currently stands at £4,447,447.50 (excl. VAT).

9. The Pagabo Civil and Infrastructure Framework (Lot 2) Agreement was entered into in May 2022 following a public procurement exercise under the PCRs and expires in May 2026. The proposed direct award contract between Pagabo and

the Council is a NEC4 Engineering Construction Contract – Option C (Target Price).

10. The Highways Partnership Contract Framework Agreement between OCC and Milestone Infrastructure was entered into on 1st April 2010 following a public procurement exercise under the PCRs and expires on 31st March 2025. Milestone Infrastructure are the sole supplier on this framework. The proposed call-off contract (Task Order) for the Enabling Works between Milestone Infrastructure and the Council is a NEC3 TSC (Terms and Services Contract) Option E.
11. The Council will be delivering the construction of the Access to Witney scheme in its capacity as the highway authority for Oxfordshire under the Highways Act 1980.

Comments checked by: Susannah Bailey, Locum Construction Solicitor
(Susannah.Bailey@oxfordshire.gov.uk)

Staff Implications

12. There are no staff implications.

Risk Management

13. If the Council does not enter into a contract with Milestone Infrastructure for the construction of the scheme as soon as practicably possible, this could put pressure on the County Council's ability to spend the Housing Growth Deal funding allocated to the scheme by the end of March 2025. Furthermore, Milestone Infrastructure will not be able to commence construction as per the latest programme until both contracts have been issued, which could have financial and time implications. Both of these risks could result in reputational damage if the Council does not enter the contract in a timely manner.

Paul Fermer
Director of Environment and Highways

Annex: Annex A – Project Details

Background papers: Nil

Contact Officer: Gareth Slocombe
Programme Lead, A40 Programme
Gareth.Slocombe [@oxfordshire.gov.uk](mailto:Gareth.Slocombe@oxfordshire.gov.uk)

July 2024

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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