

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Manda Rigby, Cabinet Member for Transport	
MEETING/ DECISION DATE:	On or after 22 October 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E3389
TITLE:	Bath City Centre Security	
WARD:	Kingsmead	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

- 1.1 The Bath City Centre Security scheme is now in its implementation phase for construction of permanent measures to replace the current temporary gates.
- 1.2 Delays in tendering due to the York Street Public Inquiry, resulted in moving into a high inflation period, with the sole tender received for the Scheme significantly exceeded the cost estimate, in addition, completed the tender incorrectly and therefore, was disqualified
- 1.3 Volker Highways have been appointed in accordance with the "Highway Maintenance and Improvement Works" term contract.
- 1.4 A post tender review of scheme costs also highlighted cost increases that could not have been forecast when the scheme budget for this scheme was set in 2019.

2 RECOMMENDATION

The Cabinet Member for Transport, in consultation with the Cabinet Member for Resources is asked to:

- 2.1 agree for the works to proceed on York Street, and reconfiguration of the scheme to be delivered in a phased approach during 2022/23 and 2023/24, subject to approval of 2023/24 budget growth.

2.2 Approve further sums from remaining provisional budget of £849k to bring the total budget allocation for City Centre to £3.03m.

2.3 Approve awarding of contract to Volker Highways, for works orders to be issued

3 THE REPORT

3.1 The NaCTSO report, together with correspondence with the Chief Constable of Avon and Somerset Constabulary, sets out the need to further protect Bath City Centre's most crowded places, giving a health and safety risk. Any delay could be seen negatively if any incident did occur within any period where the implementation was delayed due to funding. This risk is low

3.2 In July 2021 Cabinet approved the TRO (for anti-terrorism purposes) for advertisement such that it would operate between 1000 hours and 1800 hours on the following streets:

(1) Lower Borough Walls, Stall Street, including Abbeygate Street, Abbey Green, Swallow Street (South), Bath Street and Hot Bath Street

(2) York Street

3.3 Approved the TRO (for anti-terrorism purposes) for advertisement such that it would operate between 1000 hours and 1800 hours on the following streets:

(1) Cheap Street, Westgate Street, Saw Close and Upper Borough Walls

with access to the restricted streets also being provided to Blue Badge Holders, carers transporting Blue Badge Holders, and taxi's transporting Blue Badge Holders. Access would be provided via Controlled Authorised Access by the Council's CCTV team.

3.4 To advertise the TRO between 1800 hours and 2200 hours on York Street, to reflect its proximity to the Roman Baths and to support the increased footfall from Terrace Walk through York Street to the new Clore Learning Centre and World Heritage Centre. The Roman Baths, Clore Learning Centre and World Heritage Centre will, at times, will be open late into the evening.

3.5 On 1 January 2022, vehicles were permanently restricted in streets named at 3.1 (1) and 3.2 (1) above and following Public Inquiry and the Inspector finding in favour of the Council, permanently restrict vehicles as per 3.1 (2) and 3.3 above.

3.6 On 20 June 2022, works began to replace all the temporary measures, with advance ducting, diversion of statutory undertaker supplies and install permanent bollards

3.7 Following tender exercise, via ProContract, the sole tenderer had completed the tender incorrectly and therefore, was disqualified

3.8 Volker Highways have been appointed and have drawn up a price for the works in accordance with the "Highway Maintenance and Improvement Works" term contract.

3.9 It should also be noted that at the time that the scheme budget was set in 2019, these were budget level costs only, and that costs relating to the following would not have been anticipated:

- (i) Informal and formal consultation exercises relating to the Anti-Terrorism Traffic Regulation Orders, including specialist engagement advice particularly in relation to Blue Badge holders.
- (ii) Costs relating to the delivery and management of temporary access restrictions to City Centre streets including Planning hospitality requests.
- (iii) Large numbers of ATTRO/ TRO options considered as a result of the public consultation, all with detailed risk assessments
- (iv) Significant costs for trial excavations.
- (v) Significant additional Statutory undertakers' diversion costs.
- (vi) Significant additional traffic management measures costs.
- (vii) The Material price index in the Highways term contract indicates prices increased on average by 1.5% in 2021, but now have increased a further 7.9% in 2022.

4 STATUTORY CONSIDERATIONS

4.1 The Government confirmed in the Queen's Speech on 10 May 2022 the new counter terrorism 'Protect Duty' legislation will become law in the next session of Parliament. The legislation will extend and apply across the UK and will require organisations, including Local Authorities, to take measures to protect the public from terrorist attacks. The main elements of the draft bill are:

- Establishing a new requirements framework which requires those in control of certain public locations and venues to consider the threat from terrorism and implement appropriate and proportionate mitigation measures

4.2 The indications are that the deadline to reach minimum compliance under Protect Duty could be May to November 2023.

4.3 The Council's Statutory consideration relate to:

- Anti-Terrorism Traffic Regulation Orders in accordance with the Road Traffic Regulation Act 1984 (Section 22C)
- Traffic Regulation Orders in accordance with the Road traffic Regulation Act 1984 (Section 1, 22(D) and Part III of Schedule 9 (and paragraph 20(1) in particular))
- The Public Sector Equality Duty of the Council in accordance with Section 149 of the Equality Act 2010
- Sections 6 and 17(1) of the Crime and Disorder Act 1998 in relation to strategy and crime and disorder implications
- Sections 16 and 18 of the Traffic Management Act 2004 in relation to traffic management

- The proposed Protect Duty (“Martyn’s Law“) legislation for which a consultation is shortly to be launched and would require public places and venues to improve security

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 Current budget approval of £2,181k reflected funding to complete advance works prior to construction. To complete the works now proposed requires further drawdown of budget of £849K.
- 5.2 Further funding would need to be identified for remaining phases in Council’s February Budget Setting meeting before these commence in 2023.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council’s decision-making risk management guidance (E3278 refers).
- 6.2 If we do not invest in security measures as soon as is practical which are compliant to this standard, the Council will be at risk of being negligent in its Duty of Care to protect Public Safety if an incident occurs, particularly when the protect duty comes into effect which could be as early as May 2023.
- 6.3 Therefore, a review of risks has been undertaken and whilst it is recognised that to mitigate further the threat of a vehicle borne attack the whole scheme needs to be delivered, budget constraints have resulted in Officer recommendation to focus on York Street as was highlighted in the Police National Counter Terrorism Security Office (NaCTSO) report of 2015 as the most crowded place and they are the least expensive locations
- 6.4 Risks associated with re-phasing the programme over 2023/24 would include:
- I. The principal contractor would not be able to programme the work and mobilise resources until a Works Order has been issued. A Works Order is unlikely to be issued until after funding for the Transport Capital programme is approved by Cabinet in February 2023.
 - II. (The extent of works, and its phasing, could be dependent on external funding opportunities, which could delay the issue of Works Orders.
 - III. (Meeting any external funding requirements.
 - IV. The impacts of Brexit, Covid and the war in Ukraine continue to impact on material prices and material availability causing higher inflation and hence price increases.
 - V. The availability of Contractors’ and Statutory Undertakers’ resources will impact on programme.
 - VI. Best value will only be achieved by programming all remaining works to be carried out as one construction project (to avoid the Principal Contractor having to shut down, re-programme and re-mobilise for future sections of work).

VII. In order for the various statutory undertakers' diversionary works to be programmed with each other at each site and with the Principal Contractors works, the mobilisation/ programming of Statutory Undertakers' works would not take place until the Principal Contractor's programme is agreed.

VIII. Timescales are limited prior to the November 2023 embargo, hence works may be programmed until the end of March 2024.

IX. Cellars and vaults remain a risk during the construction period. Whilst condition surveys of cellars have been undertaken, any faults discovered in the cellars once the ground above them has been removed may delay programme.

X. Liaison has taken place with the statutory undertakers' with regard to the diversion requirements for their services, but any damage to any services during the construction process or the presence of unknown/ unidentified services may delay programme.

6.3 Significant consultation has taken place regarding the Bath City Centre Security scheme, and the Council has been providing updates to the businesses and public with regard to the commencement of these works. The delay of this scheme could present a reputational risk to both the scheme and this Authority.

7 EQUALITIES

7.1 An Equality Impact Assessment was carried out and informed the Cabinet Report E3278

8 CLIMATE CHANGE

8.1 The City Centre Security Scheme would likely assist in achieving carbon neutrality by 2030 for the following reasons:

- (1) Reduction in general car parking within the restricted streets may encourage visitors to use more sustainable forms of accessing the City Centre, such as by public transport, walking or cycling
- (2) The changes required for deliveries may encourage businesses to consider more sustainable forms of deliveries, eg 'Last Mile Delivery', Cargo Bike Deliveries, etc

9 OTHER OPTIONS CONSIDERED

9.1 Consideration to descope the scheme was considered, however, any mitigations to save costs will seriously compromise the security provision within the city centre security scheme and were discounted.

9.2 However, the scheme will be rephased over 2022-23 and 2023-24; with any additional capital requests via the budget setting process for 2023/24.

10 CONSULTATION

10.1 Consultation has been carried out with Leader of the Council, Chief Executive, S151 Officer, Chief Operating Officer, Head of Legal & Democratic Services, Director of Place Management, Leader of the Council, Cabinet Member for Transport and Cabinet Member for Resources.

Contact person	Lynda Deane – 01225 396428
Background papers	Cabinet Report – E3278 City Centre Security
Please contact the report author if you need to access this report in an alternative format	