

AGENDA

General Overview & Scrutiny Committee

Date: **Tuesday 2 December 2014**

Time: **2.00 pm**

Place: **The Council Chamber, Shire Hall, St. Peter's Square,
Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Ben Baugh, Governance Services on 01432 261882 or e-mail bbaugh@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the General Overview & Scrutiny Committee

Membership

Chairman
Vice-Chairman

Councillor WLS Bowen
Councillor BA Durkin

Councillor AM Atkinson
Councillor AJM Blackshaw
Councillor ACR Chappell
Councillor DW Greenow
Councillor EPJ Harvey
Councillor TM James
Councillor JG Jarvis
Councillor RL Mayo
Councillor PJ McCaull
Councillor AJW Powers
Councillor A Seldon
Councillor DB Wilcox

Co-optees
(education items)

Mr P Burbidge
Miss E Lowenstein
Mr P Sell

Roman Catholic Church
Secondary School Governor
Church of England

AGENDA

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive details of members nominated to attend the meeting in place of a member of the committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by members.

4. QUESTIONS FROM THE PUBLIC

To note questions received from the public and the items to which they relate.

*(Questions are welcomed for consideration at a scrutiny committee meeting so long as the **question is directly related to an item listed on the agenda below**. If you have a question you would like to ask then please submit it no later than two working days before the meeting to the officer named on the cover of this agenda.*

Note: *To ensure that the committee has sufficient time to consider the call-in, it is not intended that verbal questions will be received from the public at the meeting, so please submit questions in writing no later than **5.15pm on Thursday 27 November 2014**).*

5. CALL-IN OF THE CABINET DECISION ON THE SOUTH WYE TRANSPORT PACKAGE

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To consider the call-in of the Cabinet decision on the South Wye Transport Package.

The Cabinet report and appendices are available at:

<http://councillors.herefordshire.gov.uk/ielssueDetails.aspx?IId=50007922&PlanId=0&Opt=3#AI34921>

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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The Chairman or an attendee of the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

MEETING:	General Overview and Scrutiny Committee
DATE:	2 December 2014
TITLE OF REPORT:	Call-in of the Cabinet Decision on the South Wye Transport Package
REPORT BY:	Governance Services

1. Classification

Open.

2. Purpose

To consider the call-in of the Cabinet decision on the South Wye Transport Package. The decision has been called in by three members of the committee: Councillors TM James, AJW Powers and A Seldon.

3. Recommendation

THAT the committee reviews Cabinet's decision and decides:

- a) **whether it accepts that decision with no further comment, or**
- b) **whether it wishes to accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration and, if so, what recommendations to Cabinet it wishes to make.**

4. Background

- 4.1 Call-in is a statutory right for members of the Council to review a decision of the executive taken by Cabinet or an individual Cabinet Member after it is made but before it is implemented.
- 4.2 A decision cannot take effect pending consideration of the call-in by the General Overview and Scrutiny Committee.
- 4.3 After consideration by the General Overview and Scrutiny Committee, the decision maker may implement the original decision or reconsider it in the light of the committee's comments.
- 4.4 The committee has no power to overturn a decision of the executive. It can only request the executive to reconsider its decision.
- 4.5 The Constitution (4.5.16.5) provides that call-in should only be used in exceptional circumstances including but not limited to;

- a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in the Constitution;
- b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in the Constitution; or
- c where a decision is outside the Budget and Policy Framework.

4.6 The General Overview and Scrutiny Committee can either accept the Cabinet decision with no further comment or accept the grounds on which the decision of the Cabinet has been called-in and refer the decision back to the decision maker for reconsideration.

5. Reasons for call-in

5.1 In accordance with the Scrutiny Procedure Rules set out at Part 4 Section 5 of the Constitution, the Cabinet decision on 13 November 2014 concerning the South Wye Transport Package has been called-in for consideration by this committee.

5.2 The stated reasons for the call-in are:

'This call-in qualifies under 4.5.16.5 part a and c for the following reasons:

- a) where there is evidence which suggests that issues have not been handled in accordance with decision-making principles set out in this Constitution; and
- c) where a decision is outside the Budget and Policy Framework

Part a: This decision does not appear to have followed the decision making principles set out in para 2.11.1 of the Constitution – in particular points a, b & e:

- (a) make sure the action is proportionate to what the Council wants to happen;
- (b) consult properly and have regard to the professional advice from its Officers;
- (e) be clear about what the Council wants to happen and how it will be achieved.

Part c: This decision appears to be contrary to/outside Policy Framework

The option appraisal process, and thus the consequent decision, is contrary to the Local Transport Plan Network Capacity management hierarchy (LTP 2013/14-2014/15 Policy: p3 and Policy LTP HN2), contrary to Highways Agency advice and contrary to Department for Transport WebTAG guidance. [ref part c above]

Route SC2, selected by the decision, passes through 2014 designated Ancient Woodland (Grafton Wood), a factor which had earlier ruled out four other route options in Parsons Brinckerhoff's (PB) appraisal. [ref part a (b) and (e) above]

PB's Appraisal Summary Tables (Appendix 1) shows 10 benefits, 8 of which are graded "Slight". The only "Major" benefit identified is to 'Regeneration', citing "planning conditions that presently limit development at the Enterprise Zone to be extinguished". These limits have been specified to Council and the LEP as capacity constraints on the A49; yet PB's Report states (7.5.2 and 7.6.2) that, once the SLR is built, there will be "an increase in traffic along the A49".

English Heritage and SusTrans were not consulted. The summer 2014 consultation was on the SWTP, but the SLR has been de-coupled from the Package for separate appraisal and decision, without the package of sustainable transport measures (Sustainable Transport Max) thus rendering the consultation responses un-sound as evidence – whether in support or otherwise – of the SLR alone. [ref part a (b) above]

Further routes identified post-consultation as SC8, 8a and 9 "were given the same intensity of appraisal as other routes". Yet the 'No Road' option, favoured by the second largest percentage of respondents, has not been given any detailed or intensive appraisal. [ref part a (b) above]

The SWTP 'Package Assembly Report', cited in 1.1.3 and 10.6.1 of PB Preferred Option Report was not available as part of the papers to Cabinet. [ref part a (b) and (e) above]

LTP = Local Transport Plan

PB = Parsons Brinckerhoff

SLR = Southern Link Road

SWTP = South Wye Transport Package

- 5.3 The written statement of key decision (reference no: 2014-15.CAB.022 KEY) is attached, along with an extract from the Local Transport Plan Policy referred to in the stated reasons for the call-in. Links to the Cabinet report of 13 November 2014 and to the Local Transport Plan webpages are given below.

6. Appendices

Appendix A Written Statement of Key Decision, South Wye Transport Package

Appendix B Local Transport Plan Policy 2013/14-2014/15, Extract (Introduction)

Links:

Cabinet report and appendices, 13 November 2014:

<http://councillors.herefordshire.gov.uk/ielssueDetails.aspx?IId=50007922&PlanId=0&Opt=3#A134921>

Local Transport Plan:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-transport-plan-2013-2015>

7. Background papers

- 7.1 None identified.

WRITTEN STATEMENT OF A KEY DECISION CABINET

ITEM:	SOUTH WYE TRANSPORT PACKAGE
Members Present:	Councillors: AW Johnson (Leader), H Bramer, J Millar, PM Morgan (Deputy Leader), GJ Powell, PD Price, P Rone.
Date of Decision:	13 November 2014
Exempt:	No
Confidential	No
<p>This is a key decision because</p> <p>It is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.</p> <p>And/or</p> <p>It is likely to be significant in terms of its effect on-</p> <p>Two or more Wards or electoral divisions;</p> <p>One Ward (unless the number of those affected is very small or it is impractical to treat this as a key decision).</p> <p>A notice was served in accordance with Part 3, Section 9 (Publicity in connection with key decisions) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.</p>	
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	To consider consultation responses and confirm a preferred package for a new link road from the A49 to the A465.
Decision:	<p>THAT:</p> <p>(a) route SC2 is selected as the preferred route for the Southern Link Road (SLR)</p> <p>(b) authority is delegated to Assistant Director Place Based Commissioning to prepare and submit a planning application for a scheme along route SC2.</p> <p>(c) subject to planning consent being obtained authority is delegated to the Assistant Director Place Based Commissioning to continue detailed design of the scheme and develop proposals for land acquisition. A further report will be prepared for cabinet outlining land and property acquisition plans and draft orders in due course.</p>

<p>Reasons for the Decision:</p>	<p>1 A package of measures that would overcome transport problems within the South Wye area of Hereford has been developed and assessed. The South Wye Transport Package (SWTP) has identified a number of possible improvements, covering different transportation modes, strategies and interventions.</p> <p>2 The assessment has concluded that in order to address the transport problems within the South Wye area, a new Southern Link Road (SLR) from the A49 to the A465 (with a link to B4349) is necessary. This would generate additional capacity with new infrastructure to the south of Hereford. A new road would improve existing connections between the A465, A49 and the Hereford Enterprise Zone. It would support economic development and growth of the city in line with the Strategic Economic Plan for the Marches LEP.</p> <p>3 Route options for this new road have been considered and appraised by the councils consultants Parsons Brinkerhoff (PB) and the results of their appraisal is set out in a preferred options report (South Wye Transport Package – Preferred Option Report (November 2014)) which can be found in Appendix 1.</p> <p>4 This report describes the scheme development, and identified that an appraisal of the route options determined that four of the initial eight options represented feasible solutions to problems, with the other four routes sifted out due to environmental considerations.</p> <p>5 Public consultation took place in July / August 2014 where the results of the appraisal of these four routes were set out and feedback was invited. Following consideration of this feedback detailed appraisal of a number of alternative alignments suggested by the public and third parties took place. These alternative alignments were appraised to the same level of detail as the four options originally consulted on. Each of the final routes were appraised in terms of engineering considerations, economic outcomes, impact to the environment, and an assessment of the social implications of each route.</p> <p>6 The Council’s project team has reviewed the report and is satisfied with the conclusions. Using nationally recognised guidance in order to carry out a robust appraisal, Option SC2 has the highest score of all the routes appraised. This route corridor also received the highest levels of support based on feedback from public consultation. It is therefore recommended that this SC2 is selected as the preferred route to be taken forward for planning and implementation.</p>
<p>Options Considered:</p>	<p>No Road Option: If a route is not selected and a road scheme is not approved / route selected, the transport objectives within the South Wye area cannot be achieved. Economic growth at the Hereford Enterprise Zone would be impacted and congestion could not be reduced. This option would be inconsistent with Unitary Development Plan, emerging Local Development Framework and the Strategic Economic Plan for the Marches Local Enterprise Partnership.</p>

	Other route option selected – If a route other than SC2 is selected this would be inconsistent with best practice for route selection for road schemes. The process followed uses DfT Webtag as a framework for appraisal. If a route is selected which scores less than SC2 this could be challenged and would compromise scheme delivery.
Conflict of Interest ■ (See below):	
Date the key decision is due to take effect:	13 November 2014

<p>COUNCILLOR AW JOHNSONDate: 13 November 2014 LEADER OF THE COUNCIL</p>

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

And

- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority’s head of paid service.

Introduction

The purpose of our Local Transport Plan (LTP) is to ensure the council has a clear plan for investment in the transport network to support economic growth, encourage healthier lifestyles, maintain connectivity, maintain the safety of our transport network and improve the quality of our roads and other transport assets.

This LTP Policy Statement document details our policies to support the delivery of our transport plans identified in our LTP. They will be reviewed periodically to ensure they remain relevant and fit-for-purpose.

The LTP has two main focuses:

- Reducing congestion in Hereford City and increasing accessibility by less polluting and healthier forms of transport than the private car. We aim to:
 - Reduce short distance car based trips transferring as many as possible to less polluting and healthier modes such as walking and cycling,
 - Reduce the impact of car access in the historic core through traffic management and sign de-cluttering,
 - Support the regeneration of the central area by facilitating city centre expansion, ensuring integration with the existing shopping area; and
 - Support the successful investment in jobs at the Rotherwas Enterprise Zone by ensuring that its expansion can be accommodated within highway network constraints.
- Maintaining access for rural residents and people without access to a car. We aim to:
 - Ensure that the County's extensive highway network remains fit for purpose and safe for the travelling public;
 - Review passenger transport services to ensure that we can continue to provide access for those most in need; and
 - Provide alternatives for longer distance commuters so that they can also reduce their car use and adopt healthier lifestyles.

Where recurring congestion is an issue we will use our Network Capacity Management Hierarchy to address the problem.

- Step 1 - Demand Management - Use smarter choices to promote alternatives to solo car use. For more information see our Health and Wellbeing Travel Strategy.
- Step 2 - Network Management - Specific local congestion issues which can often be improved through improvement, monitoring or enforcement of highway restrictions. See Policy LTP HN2.
- Step 3 - Targeted engineering improvements – Engineering improvements at specific junctions to improve their operational capacity.
- Step 4 - Road Widening - Widening the existing highway thereby increasing the capacity of individual highway links.
- Step 5 – New Road Building - Construction of new road links.



