

Meeting:	General Scrutiny Committee
Meeting date:	Wednesday 18 July 2018
Title of report:	Hereford Transport Package
Report by:	Democratic Services Manager

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards (with potential particular impact on Belmont Rural; Credenhill; Holmer; Kings Acre; Queenswood; Stoney Street; Whitecross and Wormside wards).

Purpose and summary

To undertake pre-decision call in scrutiny of the Cabinet's proposed decision to select a preferred route for Hereford bypass as part of Hereford Transport Package.

The draft Cabinet report is appended to this report and sets out the feedback to the HTP Phase 2 consultation, assessment of the shortlist of possible bypass route corridor, the recommended preferred bypass route corridor, the proposed development of associated walking, cycling, bus and public realm (active travel) improvements, together with the scope of the Phase 3 consultation.

Recommendation(s)

That: the committee determine any recommendations it wishes to make to the executive to consider

Alternative options

1. Having reviewed the documents and sought clarification of any issues from the Cabinet member and supporting officers the committee may, having regard to the principles of good decision making either:
 - Determine to support the proposed recommendation to Cabinet; or
 - Determine recommendations to the executive to consider specific additional information or actions to inform their decision making.

Key considerations

2. The General Scrutiny Committee has identified that the Hereford Transport Package – Phase 2 as a forthcoming decision on the forward plan, is relevant to the remit of its committee. The committee decided at its meeting on 2 July to exercise its right to call in this cabinet decision in advance of it being taken, given the significant (county-wide) community interest in the matter.
3. The draft report proposed for consideration to Cabinet on 27 July is appended, enabling the committee to consider exactly the same evidence base and recommended route to that being considered by the Cabinet on 27 July. The only additional information that will be published (on 19 July) with the cabinet papers will be any executive response to recommendations made by the scrutiny committee at their 18 July meeting.
4. In undertaking the pre-decision call in, the committee will wish to be assured that the decision the Cabinet propose to take is being taken in accordance with the principles of good decision-making, namely that:

When the council takes a decision it will:

- a. be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
- b. consult properly and have regard to the professional advice from its officers;
- c. have regard to the public sector equality duty and respect for natural justice and human rights;
- d. make the decision public unless there are good reasons for it not to be;
- e. give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
- f. explain what options were considered and give the reasons for the decision; and
- g. follow proper procedures.

Community impact

5. In accordance with our code of corporate governance, Herefordshire Council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use of resources while still enable efficient and effective operations. The council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

Equality duty

Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the 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 this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The committee may make recommendations to the executive to strengthen demonstration of our duties.

Resource implications

7. None associated with any recommendations scrutiny which to make however if there are any resource implications associated with the recommendations determined by this committee the executive will have to respond to this.

Legal implications

8. Overview and scrutiny committees were established by the Local Government Act 2000 ("The Act"). As set out in the council's constitution reflecting section 9F 2 (b) of the Act the scrutiny committee has the power to make recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive. All decisions on the HTP (bar adoption of the core strategy) are executive functions.
9. Making recommendations on a forthcoming key decision under the constitution is set out in the scrutiny rules and described as pre decision call in. It provides the committee with the power to examine the issues around the decision to be taken.
10. The effect of undertaking this function are as follows;
 - A. the committee may require members of the executive, other members or other persons and officers of the council, to attend before it to answer questions.
 - B. The executive are under duty to consider and respond to any recommendations and provide a written response.
 - C. The decision cannot be called in again after the decision has been taken, however the decision cannot be implemented any sooner than it would have been had the scrutiny committee not called it in.

Risk management

11. None in relation to this report; scrutiny is a key element of accountable decision making and may make recommendations to the executive with a view to strengthening mitigation of any risks associated with the proposed decision.

Consultees

12. None in relation to this report

Appendices

- Draft report to cabinet – 27 July 2018
- **Appendix 1:** Hereford Transport Package Phase 2 – Consultation Report
- **Appendix 2:** Hereford Transport Package Stage 2 – Scheme Assessment Report
- **Appendix 3:** Hereford Transport Package Stage 2 – Environmental Assessment Report
- **Appendix 4:** Hereford Transport Package Route Selection Report
- **Appendix 5:** Hereford Transport Package Preferred Route Report
- **Appendix 6:** Hereford Transport Package Active Travel Measures Report
- **Appendix 7:** Hereford Transport Package Equality Impact Assessment

Background papers

None identified.