

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

## 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.