

Findings of the Connected Communities Scrutiny Committee: New Herefordshire Local Transport Plan

Meeting: Cabinet

Meeting date: 23 November 2023

Report by: Democratic Services

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose:

The purpose of this report is to notify the Cabinet of the findings and recommendations from the Connected Communities Scrutiny Committee scrutiny of the work underway to produce Herefordshire Council's Local Transport Plan.

Recommendations

- a) That the recommendations on the Local Transport Plan, made by the Connected Communities Scrutiny Committee at its meeting on 8 November 2023 be noted.
- b) That an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet or an individual Cabinet Member as appropriate, within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.

Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).

Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.

The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

Local Transport Plan Background

Local Transport Plans are a statutory requirement under the Transport Act 2000 and will be the key strategy document to access transport funding for the county. Herefordshire's plan will set out long term proposals for transport investment in order to achieve economic, environmental, health and social ambitions of the Council.

To achieve this, the plan will establish the Council's policy and strategy framework for local transport and travel, providing plans for the progression, development, management and maintenance of the county's highway and transport systems.

The resulting implementation plan will contain a short-, medium-, and long-term costed programme. Measures could include a wide range of transport improvements, from new highway infrastructure to support growth or tackle safety problems, to improvements to local bus services or pedestrian facilities.

LTPs have, for many years, been the primary document for setting out transport investment plans for the Council. Annual capital settlements usually have four elements: the maintenance block, the integrated transport block, the maintenance incentive fund and, more recently, potholes funding. The current plan was adopted in 2016 and has a lifespan to 2031, but has not been fully reviewed since.

The DfT has indicated that future local transport funding settlements will be dependent on performance against targets set in the LTP. This is likely to require the Council to demonstrate reductions in transport carbon emissions and progress in the areas of active travel (walking and cycling), the use of public transport and the roll out of infrastructure to support electric vehicles (EV). This anticipated emphasis on performance-related settlements suggests that LTPs and their targets are to become much more relevant to funding levels than they have been in recent years.

It is also expected that successful bids for transport funding for individual projects and programmes will be dependent on those proposals forming an integral part of the LTP. This is likely to be the case, whatever the source of the funding. Access to funding sources such as the Large Local Majors Fund, the Levelling Up Fund or Active Travel England funds may fail if the projects being bid for do not feature in the LTP. It is therefore essential that the LTP is an

all-encompassing plan that covers every aspect of Herefordshire's transport ambitions, from major road proposals to local traffic management plans.

DfT guidance for the preparation of new LTPs and the associated Quantifiable Carbon Reduction (QCR) had been expected in the autumn of 2022. The DfT has been unable to commit to a date for the release of either guidance, and has relaxed its previous LTP submission deadline from March 2024 to a much looser "summer" 2024. Future years' funding is still expected to depend on performance against the plan's outcomes.

Scrutiny Review of the Local Transport Plan

On 8 November 2022 the Connected Communities Scrutiny Committee considered an update on development of the new plan. Its recommendations stemming from this work are attached as Appendix 1 to this report.

Procedure for Recommendations from scrutiny committees

Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an executive response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.

Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its executive response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's response.

Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.

Once the executive response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

In accordance with the adopted code of corporate governance, 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. Topics selected for scrutiny should have regard to what matters to residents. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

Environmental Impact

There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver. However any executive response to the recommendations are likely to the

recommendations, which should be considered by Cabinet when they consider the executive responses to the recommendations.

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.

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As a request to consider recommendations, this will not have an impact on our equality duty.

Resource Implications

This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the Executive (Cabinet) for an Executive Response.

The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

Legal Implications

Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the Executive with respect to the discharge of any functions which are the responsibility of the Executive.

Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.

The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).

The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of legal implications should be undertaken.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

Cabinet is requested to provide an executive response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.

The executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Appendices

Appendix 1: Recommendations – Local Transport Plan

Background papers

[Local Transport Plan report](#)