

Report to:	Special Meeting of Overview and Scrutiny Committee (Regeneration and Skills)	Date of Meeting:	19 February 2024
Subject:	Item Called In - North South Active Travel Route in Southport – Next Steps		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	Dukes and Cambridge
Portfolio:	Cabinet Member – Locality Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member – Locality Services on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
 - a) referral of the matter to the Cabinet Member – Locality Services for re-consideration, setting out the nature of the Overview and Scrutiny Committee’s concerns; or
 - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

Recommendations:

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly;
- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member – Locality Services; and
- (3) If the Committee is concerned about the decision, that the Committee indicates

which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue.

Reasons for the Recommendations:

The decision of the Cabinet Member – Locality Services has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

Alternative Options Considered and Rejected: (including any Risk Implications)

Not applicable. The Council’s Constitution requires the Overview and Scrutiny Committee to consider called in items.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no direct revenue costs associated with this report detailing the call-in of the item. The original report to Cabinet Member – Locality Services indicated that there were no revenue costs.

(B) Capital Costs

There are no direct capital costs associated with this report detailing the call-in of the item. The original report to Cabinet Member – Locality Services indicated that:

“The capital cost associated with making and advertising the Traffic Regulation Order will be met through the allocations within 2023-24 Transport Capital Programme, funded from the Active Travel Fund.

The costs associated with the development of proposals aimed at developing the longer-term improvement project will be funded from the Transport Capital Programme 2023-24 and 2024-25, subject to approval of the programme”.

Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:

Resource Implications (Financial, IT, Staffing and Assets):

The process of making the TRO permanent will be undertaken by staff in the Highway Safety Team. The development of longer-term plans and the consultation process will be delivered by staff in Transportation Planning and Highway Development team with support from the existing Transport Technical Services Supply Framework. The costs incurred will be funded from the allocation within the Transport Capital Programme for 2023-24.

The Cabinet Member Report from August 2020 which set out the proposals for implementation of the scheme identified the removal of parking bays, the income those bays generated and the possible lost revenue, if people didn’t transfer to other Council operated parking facilities.

Legal Implications: None	
Equality Implications: The EQIA sets out some of the considerations in relation to this project across protected characteristics.	
Impact on Children and Young People: No direct impact, but it is acknowledged that key attractors along the routes include two centres with a youth focus; Parenting 2000 and YMCA Community Sports, along with Hesketh Park. There is also a primary school and two preschool nurseries. Promoting independent access to those centres/spaces for teenagers and offering wider travel options to younger children and their carers ensures that those who are cared for or care experienced are not excluded from accessing essential facilities and services on the basis of travel / transport options and cost.	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
Retention of the routes should continue to attract users and could result in a smaller number of short car journeys. This would reduce the carbon impact of travel.	

Contribution to the Council's Core Purpose:

The original report to Cabinet Member indicated the following contributions to the Council's core purpose:

Protect the most vulnerable: The scheme provides local connections to spaces and places.
Facilitate confident and resilient communities: The scheme in its current form improves walking and cycling facilities in the town centre. The potential short, medium and long-term improvements would provide a further improved provision and public realm for residents, visitors and businesses.
Commission, broker and provide core services: As the local Highway Authority, it is incumbent upon the Council to seek to improve provision for all highway users, including those walking, cycling, using public transport and driving motor vehicles.
Place – leadership and influencer: The medium and long-term improvement schemes would improve the quality of the highway and public realm.
Drivers of change and reform: The delivery of facilities that encourage and enable more active travel is consistent with a range of national, regional and local policy objectives, including those related to addressing climate change and improving air quality, health and wellbeing.
Facilitate sustainable economic prosperity: The medium and long-term improvement schemes would improve the quality of the highway and public realm, and contribute to sustainable economic prosperity.
Greater income for social investment: Not applicable
Cleaner Greener:

The delivery of facilities that encourage and enable more active travel is consistent with a range of national, regional and local policy objectives, including those related to addressing climate change and improving air quality, health and wellbeing.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services has been consulted and has no comments on this report. (FD7508/24/24)

The Chief Legal and Democratic Officer is the author of this report. (LD5608/24)

(B) External Consultations

Not applicable

Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

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Appendices:

The following appendix is attached to this report:

- Report to Cabinet Member – Locality Services 3 January 2024 - Appendix 1
- Call-in procedure to be adopted at the meeting – Appendix 2

Background Papers:

All relevant papers in relation to the Cabinet Member decision are attached to the report.

1. Introduction/Background

1.1 Cabinet Member Decision

1.2 The report attached as Appendix 1 to this report was considered by the Cabinet Member – Locality Services on 3 January 2024.

1.3 The decision of the Cabinet Member – Locality Services, taken on 11 January 2024, is set out below:

Decision Made: That

- (1) the retention of the current Southport route be approved;
- (2) the progression of the further work identified within the report to explore

short, medium, and longer-term improvements to the route, including better incorporating active travel provision within wider public realm improvements within the town centre be supported;

- (3) the commissioning by the Assistant Director of Place (Highways and Public Protection) of a Stage 4 Road Safety Audit for the routes be approved, and implementation of any minor modifications recommended;
- (4) an application to the Secretary of State for an extension of the current Temporary Traffic Regulation Order, to allow the period of consultation and consideration relating to a permanent Traffic Regulation Order to be completed, be supported; and
- (5) the process for advertising Permanent Traffic Regulation Order as set out in the Report be approved.

Reason for Decision:

Cabinet Member had previously approved the scheme noting that they would be delivered using Temporary Traffic Regulation Orders (TTRO) and be subject to monitoring and evaluation prior to any decision over whether they be retained as permanent. The current TTRO expires in early 2024 and therefore it is appropriate to now determine whether the scheme is retained, modified or removed, in order to enable the formal consultation process associated with any permanent TRO to be undertaken.

Should Cabinet Member accept the recommendations identified above, then resources can be allocated to progressing the further actions identified and included within the development of a Pipeline of projects to help inform the City Region Combined Authority in their bid for future funding.

Alternative Options Considered and Rejected:

The option of removing the scheme in its entirety has been considered. This option has not been recommended as the data captured shows substantial use of the facility by cyclists since implementation, and very substantial numbers of pedestrians and motor vehicles, supporting the need for safe, and attractive provision for people walking, cycling and wheeling, as well as those driving motor vehicles within our town centres. The report also demonstrates a strong link to national, regional and local strategy objectives.

It is acknowledged that some improvements could be made, further improving safety, attractiveness and addressing some of the issues raised. Proposed actions are set out in the report, but these will take time and funding to develop and deliver. As such it is considered sensible to retain the scheme in its current form whilst these improvements are developed.

2. Details of the Call-In of the Cabinet Member Decision

- 2.1 The following Members of the Council (who are not Members of the Cabinet)

signed the requisition for the call-in, in relation to, North South Active Travel Route in Southport – Next Steps, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:

- Councillor Pugh
- Councillor Shaw
- Councillor Brodie-Browne

2.2 In the requisition for the call-in, the following reasons were given by all the above Members:

- “(1) Bearing in mind the significant complications and consequences of this decision we seek to gain a better understanding of the decision and its implications.
- (2) We wish to question the manifestly weak reasoning behind the decision given the report does not adequately address the crucial issues of modal shift, traffic diversion and business impact.
- (3) We believe the decision has been made on the basis of a consultation process that provides only limited support for retaining the status quo and is itself flawed”.

2.3 The Constitution sets out the following requirements with respect to call-in:

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- (a) to seek more understanding of the decision and its implications;
- (b) to question the soundness of the decision based on facts taken or not taken into account;
- (c) to identify the need for Council policies to guide decisions;
- (d) to make recommendations to the Cabinet and/or Council;
- (e) to question whether the decision conforms with agreed policies”.

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.