
**CARDIFF WEST TRANSPORT INTERCHANGE – CONSIDERATION OF
CALLED – IN CABINET DECISION CAB/16/38**

Background

1. The Council's Constitution makes provision for a Call-In Procedure which provides that any non-Cabinet Member may call-in a decision of which notice has been given, by giving notice in writing to the Operational Manager of Scrutiny Services within the Call-In Period (within seven clear working days after publication of the decision). The Operational Manager shall then notify the Cabinet Business Office and call a meeting of the relevant Scrutiny Committee, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in.
2. Cabinet Decisions, for purposes of the Call-In Procedure, are those made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive or a Corporate Director (or other post holder/s within the same tier of management or responsibility).
3. During the Call-In period after the Cabinet meeting of the 15 December 2016 a non-executive councillor submitted a request to call-in the decision on the item titled 'Cardiff West Transport Interchange'. The report sought approval to proceed with the development of an Integrated Transport Hub on the site of the former Waungron Road Recycling Depot.

4. The Cabinet Decision CAB/16/38 made on 15 December 2016, published on the 16 December 2016 and with a proposed implementation date of 29 December 2016, resolved that:

- *The proposed Western Transport Interchange development be approved;*
- *Authority be delegated to the Director of City Operations in consultation with the Cabinet Member for Finance, Cabinet Member for Transport, Planning & Sustainability, the Council's 151 Officer and the Director of Law and Governance to deal with all aspects of the procurement of the Works for the Western Interchange Development as set out in this report, up to and including the award of the contract;*
- *The transfer of Indicative Capital Programme allocation from Bus Corridor improvements to the Cardiff West Interchange Scheme be approved.*

5. The reason provided in the Register of Cabinet Decisions for taking this Decision was:

- *"To enable the development of Western Transport Interchange to proceed".*

6. A copy of the relevant section of the Register of Cabinet Decisions, setting out the decision and reasons for this decision, is attached as **Appendix 1**.

7. Attached as **Appendix 2** is the report to the Cabinet Business Meeting of 15 December 2016. **Appendix 2** itself contains three appendices, which are:

- **Appendix A** – Location Plan of the Western Transport Interchange;
- **Appendix B** – General Arrangement Drawing CO167017 – 2;
- **Appendix C** – Bus Network Opportunities for Cardiff West Interchange.

8. In addition to the appendices quoted above, the Cabinet Report refers to five Background Papers. These are noted below and can be referenced through the

supporting hyperlinks. The document titled “Waun Gron Modelling – Two Way Bus Hub Modelling” has been attached to this report as **Appendix 3**:

- **“Transforming the Bus Network, Cardiff Bus Network Study”**, 6th November 2014, by Arup for Cardiff Council in Conjunction with Cardiff Bus (Local Development Plan Examination Document Library Reference ED026) – https://www.cardiff.gov.uk/ENG/resident/Planning/Local-Development-Plan/Examination/Examination-Documents/Documents/ED026%20Cardiff%20Bus%20Network%20StudyFinal%20RV_19%2011%2014.pdf;
- **“Report to the Minister for Economy, Science and Transport, A Cardiff Capital Region Metro: Impact Study”**, October 2013 - <https://www.cardiff.gov.uk/ENG/resident/Planning/Local-Development-Plan/Documents/Appendix%20I%20-%20SE%20Wales%20Integrated%20Task%20Force%20Final%20Report.pdf>;
- **“Background Technical Paper No.6, Infrastructure Plan”**, updated November 2014 (Local Development Plan Examination Document Library Reference ED009.11) <https://www.cardiff.gov.uk/ENG/resident/Planning/Local-Development-Plan/Examination/Examination-Documents/Documents/ED009.11%20Cardiff%20LDP%20Infrastructure%20Plan%20-%28November%202014%29.pdf>;
- **“Cardiff Infrastructure Plan”**, September 2016 (Community Infrastructure Levy supporting documents, Reference CIL009) <https://www.cardiff.gov.uk/ENG/resident/Planning/CIL/SupportingDocs/Documents/CIL009%20-%20Cardiff%20Infrastructure%20Plan%20-%20-%28th%20September%202016%29.pdf>;
- “Waun Gron Modelling – Two Way Bus Hub Modelling”, update v2, by Aecom dated July 2016 – attached to this report as **Appendix 3**.

9. A non-executive councillor has requested that this decision is called-in for Scrutiny Committee consideration. The text of the call-in request is attached at **Appendix 4**. In summary, the Member’s main reasons given for the call-in are:

- a. **Financial** – including the cost of the Scheme, the elements of the costing, the calculation of running costs, and the source of funding chosen for the scheme;
- b. **Traffic Flow & Modelling** – concerns about issues covered in AECOM’s Modelling Report provided as a background paper in the Cabinet Report (and attached to this report at **Appendix 3**), including:
 - i. The capacity of the proposed Transport Interchange
 - ii. The impact of the proposals on bus journey times;
 - iii. Their impact on congestion and queuing for other traffic;
 - iv. The ripple effect on traffic in the rest of the area of changing signal times to keep bus delays to less than 8 minutes;
 - v. The additional impact of new housing proposals in north west Cardiff under the LDP on traffic times;
- c. **Parking** – whether the proposal would impact on parking capacity in the area;
- d. **Transport & Connectivity** – querying the impact of the proposal on the development of rapid transport bus corridors and integrated ticketing;
- e. **Health & Safety Concerns** – for the safety of bus passengers, cyclists and car drivers; and
- f. **Cycling Issues** – the principle of placing cyclists on shared pavements, and the placement of cycle stands in the middle of the triangle.

10. The Environmental Scrutiny Committee terms of reference were last agreed by Full Council on 30 June 2016. The terms of reference cover the areas relevant to the development of the Cardiff West Transport Interchange. The full terms of reference for the Environmental Scrutiny Committee is attached to this report as **Appendix 5**.

11. The role of Scrutiny Committees calling-in a decision is:

- To test the merits of the decision;
- To consider the process by which the decision has been formulated;
- To make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider);
- To suggest further steps before a decision is made.

Scope of Scrutiny

12. The Committee, therefore, needs to consider this call-In in accordance with the requirements of the Call-In Procedure. The scope of this scrutiny is limited to exploring the reasons for the call-in listed summarised in paragraph 9 above, and appended in full at **Appendix 4**.

13. It is important that Members focus their questions directly on the decision taken by Cabinet on 15 December 2016. Should questions be evaluated as probing decisions not within the remit of the call-in then the Chair will deem it necessary to disallow the line of inquiry.

14. Under the Call-In Procedure, the relevant Scrutiny Committee may consider the called-in decision itself, or decide to refer the issue to the Council for Scrutiny if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within 10 clear working days of such a referral, unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.

15. If the Scrutiny Committee chooses to consider the Decision, it may refer the Decision back to the decision maker for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The

relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.

16. If following a call-In, the matter is not referred back to the decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the Scrutiny Period or the Council Scrutiny Period as appropriate, whichever is the later.
17. In order to undertake its task the Committee will have the opportunity consider statements from the following witnesses:
 - Mr Max Wallis on behalf of the Cardiff Cycling Campaign.
18. If any written statements are provided for the meeting then a section has been allocated within the agenda for their consideration.

Legal Implications

19. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to consider Cabinet Decision CAB/16/38 in accordance with the Call-In Procedure.

DAVINA FIORE
Director of Governance & Legal Services
2 February 2017