

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ENVIRONMENTAL SCRUTINY COMMITTEE

21 JANUARY 2020

CARDIFF'S TRANSPORT WHITE PAPER

Reason for the Report

1. To provide the Committee with an opportunity to consider the content of the draft 'Transport White Paper: Transport Vision 2030', and to discuss the options for funding the delivery of the proposed transport infrastructure.

Background

2. A draft paper titled 'Transport White Paper: Transport Vision 2030' is due to be presented for approval at the Cabinet meeting scheduled for Thursday 23rd January 2020. A copy of the document is attached to this paper as **Appendix 1**.
3. **Appendix 1** explores the reasons for changing Cardiff's approach to transport; discusses city growth; sets out four key areas where change is required; links the paper into the Cardiff Council Corporate Plan priority of 'A Capital City that works for Wales'; and provides a delivery / funding timeline. These are set out in the following order:
 - Why do we need to change the way we travel around Cardiff? (**pages 4 to 5**);
 - City growth (**pages 6 to 9**);
 - The Cardiff Metro (**pages 10 to 13**);
 - Rapid Bus Transport (**pages 14 to 19**);
 - Active Travel & Streets for people (**pages 20 to 23**);
 - The Future of the Car (**pages 24 to 25**);
 - A Capital City that works for Wales: supporting the wider region (**pages 26 to 27**);
 - Delivery Timeline & Funding (**pages 28 to 30**).

4. **Transport & Clean Air Green Paper** - The Transport & Clean Air Green Paper recognised the importance of transport in creating a capital city which is healthier and more accessible, sustainable and prosperous for future generations. The extensive consultation and engagement on the Transport & Clean Air Green Paper, which ran from 26th March to the 1st July 2018, generated over 3,500 individual responses as well as a number of collective responses from organisations. The high number of responses and what they said explained how much the transport system impacts on the daily lives of people across Cardiff and the wider region, and highlights the importance of tackling the long standing challenges presented by the city's existing transport infrastructure.
5. The Transport & Clean Air Green Paper acknowledged the need for a transformative approach to transport in Cardiff and put forward 18 'big ideas' to achieve this, including the potential for introducing different forms of user charging as a mechanism to raise funds for investment in the transport system.
6. Cardiff has already taken steps forward in terms of achieving sustainable patterns of modal shift. Travel to work data for Cardiff (Ask Cardiff survey) demonstrates a trend of modal shift to active and sustainable modes. For example, there has been a significant increase in cycling, with journeys to work made by cycling growing from 7% in 2010, to 13% today. Car use has experienced a decline, reducing from 57% in 2010, to 49% today. This is a positive trend, but more action is needed to ensure that Cardiff continues to develop as a successful city.
7. A new transport programme is currently being delivered, this includes segregated cycle ways, 20 mph limits and a package of clean air measures including major changes to Castle Street and Westgate Street to provide access for buses and active travel modes. Discussions are also underway regarding the development of the Metro. The existing programme represents a significant level of investment and will deliver much needed infrastructure in some areas of the city, however, it is recognised that it will not provide the scale of change that is required for meeting some of the challenges set out in this report.
8. The draft 'Transport White Paper: Transport Vision 2030' builds on the work of the Transport & Clean Air Green Paper and sets out a series of priorities for Cardiff over

the next 10 years which it is hoped will transform the way people move around the city. The document suggests that the proposals will ensure that Cardiff is a well-connected city where people can easily, reliably and safely get to where they need to go in the greenest, healthiest and most affordable way. This will reduce the dependency on private cars, whilst adopting challenging modal split targets for active travel and public transport through investment in transport projects.

9. Delivering the vision set out in the draft 'Transport White Paper' will require a significant increase in funding, with an estimated investment of between £1 - 2bn necessary to deliver the scale of improvements required. This means that the question of funding arrangements now needs to be discussed. How the Council funds this shift in transport provision will probably require difficult decisions, but it is likely that they will be needed to ensure that Cardiff meets the range of complex challenges that it faces, for example, climate change, poor air quality and tackling congestion.
10. The draft 'Transport White Paper' outlines a package of projects that aim to make a contribution in tackling climate change, improving air quality, reducing congestion, addressing inequality and promoting inclusive economic growth. Four of the major priorities included in the document for Cardiff are:
 - **Cardiff Crossrail** - A Cardiff Crossrail tram line which would connect the city's newest communities, as well as providing links to the city centre and key business developments for some of the city's most deprived communities. The line could also extend beyond Cardiff's boundaries, connecting the city with the wider region, for example, new housing developments in Rhondda Cynon Taff.
 - **Cardiff Circle Line** - The Cardiff Circle Line would connect the Coryton Line to the Taff Vale Line north of Radyr to deliver cross city connectivity. This would provide new park and ride opportunities from J32 of the M4 and allow for more frequent services on the Coryton and City lines.
 - **Rapid Bus Transport** - Rapid Bus Transport will provide cleaner, greener vehicles, travelling on dedicated bus corridors with smart network management giving buses priority. New park and ride facilities will connect the city with the

wider region including, for example, Junction 33. The new Central Bus Station will be completed in 2022.

- **Active Travel** - Active Travel to enable more people to walk and cycle for more journeys, making Cardiff safer, cleaner and quieter. Investment in five fully segregated cycle ways and a network of supporting routes, as well as interventions to provide high quality facilities for walking will contribute towards the targets set for active travel.

11. In addition to the four key priorities set out above, the draft 'Transport White Paper' outlines a number of other actions that will help to deliver the scale of change required. Examples include:

- Working closely with Welsh Government and Transport for Wales on the delivery of the Metro – including new and refurbished stations and fully integrated ticketing;
- Delivering lower speeds where people live through the continuing commitment to 20mph limits;
- Developing a 'Healthy Streets' programme to support active travel and play in our local communities;
- Tackling dangerous and inconsiderate driving and parking behaviour around our schools;
- Supporting the move towards cleaner vehicles and managing traffic on our road network through facilitating charging infrastructure for electric vehicles;
- Developing the car club offer in the city; and,
- Using the latest technology to provide a new, up to date, 'Real Time Passenger Information System'.

12. It is felt that delivering the vision contained within the draft 'Transport White Paper' would help raise the position and profile of Cardiff as a European city, with sustainable transport underpinning the wider ambitions of the city. The report states that realising the transport vision would help decarbonise the city, deliver air quality improvements, create public health improvements and support environmental benefits.

13. In addition to this, it is suggested that the range of transport initiatives will underpin a positive business environment, for example, it will improve access to jobs and opportunities for disadvantaged communities currently poorly served by public transport, and help reduce the inequality.

Issues

14. How people move around Cardiff is fundamental to how the city works and has a significant impact on the success of the economy, the quality of our environment, community safety and social equity. There are a number of critical issues relating to transport that are outlined below and need to be addressed.
15. **City Growth** - Cardiff is a rapidly growing and changing city, with a transport infrastructure that has suffered underinvestment and which was built to serve a population of approximately 200,000 people. Managing the city's growth in a sustainable way is critical for the success of Cardiff and the wider city region. Cardiff's Local Development Plan (2006-2026) (LDP) identifies the need for substantial improvements to Cardiff's transport infrastructure in order to accommodate Cardiff's expansion sustainably. Its policies seek to integrate new development with the provision of on-site and off-site transport infrastructure improvements in order to mitigate transport impacts and, by 2026, to achieve a 50:50 'modal split' between journeys by car and trips made by walking, cycling and public transport. For example, the new park and ride site and bus services at Junction 33 is being delivered by the developer and Section 106 Contributions have been secured towards supporting bus services. Additional revenue funding for the operation of the services will also be sought.
16. **Tackling Congestion & Supporting Business** - Congestion has significant economic, environmental and social impacts. It is consistently identified as a key area of concern for Cardiff residents, for example, 64.1% of respondents to the 2017 Ask Cardiff survey rated reduced congestion as the transport improvement they would most like to see. Around 100,000 people commute in and out of Cardiff each day, 80,000 by car, many of which are single occupancy vehicles. Together with trips by car made by Cardiff residents and the expected growth of the city, this is an unsustainable pressure on the road network. Reducing the proportion of these trips

made by car would greatly assist Cardiff's efforts to reduce the pressures on its road network, tackle poor air quality and improve the efficiency of public transport.

17. **Climate Change & Clean Air** - Climate change and air quality are two of the most pressing issues we currently face, requiring urgent action and radical solutions. On the 28th March 2019, Cardiff Council approved a motion to declare a climate emergency. The Welsh Government also declared a climate emergency on 29th April 2019, the day after the Scottish Government, followed by the UK Government on 1st May. Over 70 Councils in the UK have now declared a climate emergency with the majority including carbon emission reduction targets to be achieved by 2030. As part of this, the Council has agreed to support the implementation of the Welsh Government's Low Carbon Delivery Plan, which aims to secure a carbon neutral public sector in Wales by 2030. This includes the commitment for the Council to progress a wide range of projects in support of the existing Carbon Reduction Strategy, and to further reduce carbon emissions from the Council's operations.
18. Poor air quality impacts significantly on health, child development and environmental quality. Whilst air pollution affects everyone, it can disproportionately affect vulnerable population groups such as "*children, older people, those with underlying disease, and those exposed to higher concentrations because of living or commuting in urban or deprived locations*" (Public Health Wales 2018). The Council's Clean Air Plan which has to achieve compliance with EU Limit Values for NO₂ pollution in the shortest possible time was approved by the Welsh Minister in December 2019. Whilst this plan is ambitious in terms of reducing NO₂ concentrations, the Council recognises that there is no safe limit for air pollutants and that further measures will be necessary to ensure that pollution levels are continually reduced to as low as is reasonably practicable.
19. **Creating Safe & Healthy Communities** - Transport can help to make our communities safer and healthier. Ensuring we have streets and neighbourhoods where it is safe for people to walk and cycle and children to play will help to deliver Cardiff's wellbeing objectives, for example, 'Cardiff is a great place to grow up' and 'safe, confident and empowered communities'. Reducing traffic and congestion helps create cleaner, quieter communities which are better places to live, while improving active travel facilities provides more opportunities for physical activity, tackling

sedentary behaviour and obesity that can contribute to ill health. Air and noise pollution as well as road traffic collisions often have the greatest impact on our most deprived communities. For example, research shows that child pedestrians from the lowest socio-economic groups are over four times more likely to be killed or seriously injured on the roads (Road Safety Framework Wales 2013). Department for Transport research also indicates that child pedestrians are the group most likely to be killed and / or seriously injured (69%). Of this group, 82 per cent of all child KSI casualties were pedestrians travelling before or after school on a school day.

20. **Supporting Economic Growth & Managing a Growing City** - Cardiff has been transformed by a programme of major urban regeneration projects that have supported its economic growth. Investment in the city's business infrastructure and new jobs, together with new housing communities, further new employment and leisure opportunities highlight the need for excellent transport links that support every part of the city.
21. It is hoped that the new transport vision will significantly improve access to jobs and opportunities for disadvantaged communities that are currently poorly served by public transport, both within Cardiff and the wider region. In turn it is anticipated that this will help to reduce inequality.
22. The proposals within the draft 'Transport White Paper' will seek to address the inadequacies of a transport infrastructure that can no longer accommodate the needs of a rapidly growing city, one which serves as a regional employment centre and national destination for culture, sports and tourism. More fundamentally, it will signal a decisive move away from the incrementalism that has characterised the development of mass public transport infrastructure in the region for many years.
23. **Context within National Policy** - Welsh Government is currently consulting on a Clean Air Plan for Wales, which includes reference to Workplace Parking Levies, as a means to '*encourage commuters to find alternative means of travel by applying a direct charge on employees for using employer-provided parking*'. Similarly, the consultation document highlights that '*Reduced car journeys and road congestion can deliver reductions in polluting emissions and revenue generated by such a scheme may be used to support improvements in local transport provision*'. The

commitments and actions' outlined in the plan include '*Continue to review the role of vehicle access restriction under the Clean Air Framework, including whether road-user charging and banning of the most polluting vehicles has a role to play in reducing roadside levels of air pollution*'.

24. **Delivering the Transport White Paper Vision** – Delivering the major initiatives included within the Transport Vision has been estimated at between £1 and £2 billion. It is therefore clear that delivering such a transformative package of projects – which will make a decisive contribution to tackling the Climate Emergency, addressing inequality and promoting inclusive economic growth – requires a radical departure from the incremental funding model that has constrained development. Consequently, the Council must explore a more radical approach to meet the investment level required if it is to deliver the Transport Vision and achieve the associated benefits.
25. As an immediate step, the Council will work with Welsh Government to develop a comprehensive investment plan to support the delivery of this agenda. This will include detailed consideration of the range of funding mechanisms to achieve the modernisation of local infrastructure. Development of the strategy will need to consider the extent to which existing assets and sources of capital might be mobilised to address current investment needs. New sources of funding may also be available, including the new 'Shared Prosperity Fund' that will replace existing regional development funding. However, given the scale of the ambition set out in the draft 'Transport White Paper', more radical funding options must be considered. The Council will therefore review a range of mechanisms that have supported infrastructure development in other cities, and may include:
- **A Cardiff Bond:** A debt-based investment model where money is loaned to a public entity in return for an agreed rate of interest.
 - **Tax Increment Financing (TIF):** The UK TIF model is based on re-investing a proportion of future business rates from an area back into infrastructure related to the development of that area. It applies where the sources of funding available for a scheme to deliver economic growth and renewal cannot cover the cost of infrastructure required by the scheme.

- **Work Place Parking Levy:** A type of congestion management scheme that is placed on employers who provide workplace parking. Employers and businesses pay an annual levy to their local council for every parking space provided to their employees, and employers would determine whether to subsidise their payments by asking employees to pay a charge for using their spaces. In the UK such a scheme has been introduced in Nottingham. Since 2012 Nottingham City Council has been able to raise around £9m per annum, enabling the extension of the tram network, re-development of the railway station and the creation of the UK's first all-electric park and ride. A number of authorities across the UK including Birmingham, Leicester, Oxford, Reading, Edinburgh and a number of London Boroughs are considering such schemes and developing appropriate business cases.

- **Road User Charging:** Urban road user charging – also called congestion charging or road pricing – charges drivers for the use of the roads they drive on, and can potentially vary the charges according to location, time and type of vehicle. One example could be a city-wide scheme to introduce a universal minimal level of charging (for example, £2 per day) for all vehicles crossing into the charging area. Appropriate exemptions for local residents, emergency vehicles, motorcycles and registered blue badge holders for people with disabilities could form part of any scheme

- **Low Emission Zones (LEZ) or Clean Air Zones (CAZ):** These schemes are defined areas where access by some polluting vehicles is restricted (charged) or banned with the aim of improving air quality.

26. This list of scheme types is by no means exhaustive, and any review of potential funding options would include detailed considerations of the widest range of potential delivery options. Until this work is completed, no decision on the implementation of any scheme will be taken. The cabine report, therefore, seeks authority to undertake appropriate assessments / investigations to identify a viable scheme that could deliver the improvements to the city's transport infrastructure highlighted in the draft Transport White Paper.

27. **Key Principles: Delivering a Scheme that Works for Cardiff** - Whilst a range of options have been outlined above, a number of other potential options will need further consideration. The overarching aims of any charging mechanism would need to be commensurate with the ambitions of the draft 'Transport White Paper' in that they:
- Address the Climate Emergency by reducing vehicle emissions;
 - To facilitate wider improvements in air quality to protect and improve public health and the environment;
 - Reduce congestion and improve travel times and reliability; and,
 - Deliver improvements in public transport and active travel to support modal shift.
28. The cost of negative externalities associated with high volumes of commuting traffic from outside Cardiff – which include additional congestion, air pollution, and road maintenance requirements – are currently borne by the city's residents. The Council's preferred option would therefore include an exemption for Cardiff residents if a charging option was deemed desirable. However, as part of a robust decision making process, a full list of options will need to be initially assessed in order for the Council to identify an option that could best deliver our desired objectives. No scheme will be taken forward unless we are satisfied that such a scheme will work for Cardiff residents.
29. In developing the business case for any such scheme, the Council would undertake detailed assessments and adopt in full any relevant Welsh Government guidance, for example WeITAG. Whilst the Council appreciates the need to assess a full range of options as part of any process to unlock infrastructure funding, it is clear about the fundamental principles which would underpin the approach and the Cabinet's preferred approach. This would include:
- **No Displacement of Existing Funds (Additionality)** - Any additional funding generated by a potential charging scheme should not be a basis for displacing Welsh Government revenue or capital funding, which is currently or may be in the future, allocated to Cardiff.

- **Ring-fenced investment for core objectives (Hypothecation)** - Any additional funding will be used to reduce congestion into Cardiff, improve public transport, increase the range and choice of sustainable travel choices, and make public transport more affordable.

30. Whilst these principles would not pre-determine the outcome of any business case, they would ensure that work to identify and introduce a sustainable transport funding mechanism would be underpinned by fairness and transparency of purpose.

Detailed Technical Analysis

31. In order to progress suitable assessments of potential funding schemes, the Council will require external professional advice, particularly relating to transportation modelling, assessments and cost benefit analysis in order to develop a robust business case. It has been estimated that the costs to develop a Full Business Case may be up to a minimum of £2m, although these costs will be subject to the results of appropriate tender exercises and the outcomes of the work as it progresses.

32. **On-going Delivery Capacity & Risks** - The Cardiff Council Transport Strategy Team is currently progressing a number of transport projects in Cardiff through funding secured from Local Transport Fund, Active Travel Fund and City Deal Funding Allocations. This includes transformative projects in the city centre.

33. The delivery of these projects has already placed significant pressures on the Team, and it is obvious that to continue to deliver these existing projects and the wider projects in the draft 'Transport White Paper', including the development of any charging scheme, will require a significant uplift in resources for the team.

34. The Planning, Transport & Environment Directorate will need to review the staffing resources required to support the projects set out in the draft 'Transport White Paper' and to ensure that work can be delivered.

35. **Local Member Consultation** - Consultation with local members was undertaken as part of the Transport & Clean Air Green Paper. A package of appropriate Member engagement will be implemented, together with consultation and engagement around the delivery of each scheme outlined in the draft Transport White Paper, for example,

cycle ways, strategic bus infrastructure schemes, the development of SMART corridors and the next phase of modal filters.

Cabinet Report - Financial Implications

36. The Cabinet report that supports the draft 'Transport White Paper' includes a section of financial implications. These have been provided by Finance staff in the Resources Directorate, and include the following comments:

- *'The report indicates a number of major transport projects as well as indicative costs of implementation as part the white paper vision. It is important to note that these costs are high level concept costs with a significant level of optimism bias, as required to be assumed in initial modelling of projects at this stage of their development. Detailed costs and financial implications would need to be developed as part of WelTag or other relevant business case approaches prior to decision making'.*
- *'Any projects implemented will have capital and associated revenue budget implications for the Council. In developing such projects, the Council's Capital strategy highlights the importance of working with partners particularly with Welsh Government to align key priorities and to make a case for a much longer term and sustained approach to capital grant investment that supports the City's vital infrastructure, to make a stepped change in helping drive the city, region and nation forward. This is particularly important given the financial challenges facing the Council particularly in respect of affordability of additional borrowing without additional income streams. Whilst it is important that a significant and sustained level of prioritised capital grant for transport infrastructure is received by the Council, this report requests the development of potential additional options that could generate resources to support affordability of additional investment as well as meeting wider aims set out in the transport vision'.*
- *'Funding for the development of outline and strategic business cases for congestion management schemes will need to be considered as part of other priorities in the Council's 2020/21 and medium term financial budget as well as options for using the Parking Enforcement Earmarked reserve subject to determining key priorities for use of this reserve. The costs of developing*

proposals would be subject to a procurement process. Where such proposals utilise the Council's borrowing powers, the sustainability of income in the long term will be an important consideration, to ensure there is affordability, in the short, medium and long term'.

- *'In order to ensure effective delivery of the options, both external and internal resource is likely to be required, with the latter including, transport as well as financial and legal due diligence support. Where this cannot be managed within existing revenue budget resources, this should be considered as part of the 2020/21 budget and medium term financial to ensure the timescales for delivery of the outputs set out in this report can be met'.*

Cabinet Report - Legal Implications

37. The Cabinet report that supports draft 'Transport White Paper' includes a section of legal implications. These have been provided by Legal staff in the Governance & Legal Services Directorate, and include the following comments:

- *'The report recommends approval of the Transport White Paper ("the White Paper"), which sets the Council's Transport Vision to 2030. The report also contains details on funding options for the proposed infrastructure changes required'.*
- *In implementing the projects and/or policies noted within the White Paper the Council will exercise various powers under the Transport Act 2000, the Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and the Highways Act 1980 amongst various other legal provisions. As and when individual proposals within the White Paper are developed, legal advice should be obtained, legal implications may arise if and when the matters referred to in the whitepaper are implemented, with or without any modifications.*
- *The report also notes that the Green Paper was subject to consultation. Consultation gives rise to the legitimate expectation that the outcome of the consultation will be duly considered when subsequent decision are made. Accordingly, in considering this matter due regard should be had to the consultation feedback received.*

- *In considering the recommendations contained within the report and in developing the various projects/ policies, regard should be had, amongst other matters, to:*

➤ ***Well Being of Future Generations (Wales) Act 2015:*** *The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.*

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2019-22. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- *Look to the long term;*
- *Focus on prevention by understanding the root causes of problems;*
- *Deliver an integrated approach to achieving the 7 national well-being goals;*
- *Work in collaboration with others to find shared sustainable solutions;*
- *Involve people from all sections of the community in the decisions which affect them.*

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

- ***Equalities Impact Assessment/public duties:*** *The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of ‘protected characteristics’. The ‘Protected characteristics’ are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.*

Consideration should be given to the Equality Impact Assessments (‘EIA’) attached to this report so that the decision maker may understand the potential impacts of the proposals in terms of equality. This will assist the decision maker to ensure that it is making proportionate and rational decisions having due regard to the public sector equality duty.

Where a decision is likely to result in a detrimental impact on any group sharing a Protected Characteristic, consideration must be given to possible ways to mitigate the harm. If the harm cannot be avoided, the decision maker must balance the detrimental impact against the strength of the legitimate public need to pursue the recommended approach. The decision maker must be satisfied that having regard to all the relevant circumstances and the PSED, the proposals can be justified, and that all reasonable efforts have been made to mitigate the harm.

38. A copy of the Equality Impact Assessment for the draft Transport White Paper is attached to this report as **Appendix 2**.

Way Forward

39. The Cabinet Member for Strategic Transport & Planning has been invited to attend the meeting. He will be supported by officers from the Planning, Transport & Environment Directorate. The item will also be supported by witness contributions from:

- Mark Barry - Professor of Practice in Connectivity, Cardiff University;
- Stuart Cole CBE – Professor of Transport at the University of South Wales.

Legal Implications

40. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making 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 the 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

41. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making 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.

RECOMMENDATIONS

42. The Committee is recommended to:
- (i) Consider the information in this report and the information presented at the meeting;
 - (ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter; and,
 - (iii) Decide the way forward for any future scrutiny of the issues discussed.

Davina Fiore

Director of Governance & Legal Services

15 January 2020