

## **Record of Officer Decision**

### **"Transport for the South West Peninsula" Sub-National Transport Body**

#### **Decision Taker and Date Decision Taken:**

Assistant Director Business Services, in consultation with the Executive Lead for Community Services, on 2 November 2018.

#### **Summary of Matter or Issue Requiring Decision:**

On 3 September 2018 the Elected Mayor agreed a recommendation for Torbay Council to join an informal partnership with Cornwall Council, Plymouth City Council, Devon County Council and Somerset County Council which will be known as a shadow sub-national transport body for the South West Peninsula (or similar). The Elected Mayor also agreed to delegate authority to the Executive Head Assets and Business Services (now the Assistant Director Business Services), in consultation with the Executive Lead for Community Services, to agree the final terms of reference, inter-authority agreement and communication material for the body.

This Record of Decision sets out details of the approval of Torbay Council, through the delegated authority referred to above, to decisions required to establish the South West Peninsula Shadow Sub-National Transport Body (SWPSSTB). Similar reports are being considered by the other local transport authorities who will constitute the Body.

Further to the decisions taken previously, discussions have taken place with the Department of Transport over the proposal to establish two STBs for the South West, our Peninsula grouping and the 'Western Gateway'. Officials have not raised any concerns over this proposal.

The proposal and documentation for the SWPSSTB have been developed by senior policy officers and directors of the councils and have been informally signed off by relevant officers within each authority, in consultation with our internal legal team.

In addition, an informal meeting of the proposed Board of the SWPSSTB comprising portfolio-holders from the five constituent authorities, held on 3 October, endorsed the governance documents and other proposals covered by this report.

#### **Background:**

This Record of Decision takes forward the 'in principle' decisions taken by the local transport authorities to establish a Sub-national Transport Body for the South West Peninsula. Those decisions included delegated authority for the further decisions required to establish the new Body. This Record of Decision sets out recommendations for, and the details behind, decisions required under that delegated authority. If the necessary approvals are forthcoming from the local transport authorities, the SWPSSTB will be formally established on the 5 November 2018 so allowing the inaugural meeting of the SWPSSTB Board to be held on 8 November 2018.

Following the September 'in principle' decision, officers have been working to progress the establishment of the two shadow Sub-national Transport Bodies, South West Peninsula and Western Gateway, to cover the South West Region. Where appropriate work has been done in tandem including discussions with the Department of Transport and the establishment of both Sub-national Transport Bodies is progressing.

The SWPSSTB is very much a working title and accurately reflects the status of the Body. However, the SWPSSTB Board will be recommended to agree a more memorable and

marketable brand name at its first formal meeting on the 8 November 2018. Options for the brand name are currently being consulted on within the constituent authorities.

### **Decision Documents:**

The documents attached to this Record of Decision for approval are:

- (a) A Constitution for the SWPSSTB (Appendix 2) that includes the previously agreed Terms of Reference of the Body. This details how the SWPSSTB will be run and includes the list of functions, membership details and decision-making responsibilities and restrictions. The Body has been largely established in line with the provisions in the 2016 Act to help the potential transition to a statutory body. As the partnership is informal and includes provision for senior officers to substitute for named elected members, the Constitution requires decisions of the SWPSSTB Board to be referred to the constituent authorities for approval. The business of the Board, including meetings, will be subject to Access to Information requirements. The core voting membership of the Board is limited to the local transport authority representatives. The Constitution makes provision for membership to be extended by the Board to other individual representatives of relevant organisations. These will be non-voting appointments unless the Board decides otherwise. The Constitution lists some organisations which it is considered likely that the Board will wish to offer co-opted membership to further its objectives through single partnership discussions. At this stage these are likely to be non-voting appointments but this is subject to the approval of the Board at the inaugural meeting on 8 November.
- (b) A Collaboration Agreement (Appendix 3) detailing the requirements of the constituent authorities in setting up and supporting the SWPSSTB. The constituent authorities have shown a high level of commitment to the development of the SWPSSTB through the provision of 'in-kind' officer input and this will continue in the form of the management support arrangements proposed. Beyond this there are several key 'lead authority' support roles that need to be allocated to a council or councils to ensure that the partnership is properly supported. Following discussions at officer level and consultation with the portfolio-holders, the proposed allocation of roles is set out in 3 of the recommendations for approval.

### **Financial Implications:**

The earlier decisions included the anticipated budget that would be required to fund the technical work that the Body will require and its administration. It was agreed that all the local transport authorities should contribute to the costs and 'in principle' amounts of funding were agreed as 'up to' figures in the earlier round of decisions.

The earlier decision also specified that costs should be proportionately shared between the constituent authorities based on latest population figures, with the intention to submit a business case to Government for additional funding at the earliest opportunity.

The Council's contribution was agreed, by the Elected Mayor in September 2018, at up to £20,300. Following further work by officers it is considered that the original sums identified should now be confirmed as the initial budget for the Body. This funding should be sufficient to support an initial work programme and support costs but bids for funding both in-year and for 2019/20 and beyond will be submitted to Government at the earliest opportunity to at least match and hopefully exceed the local authority contributions. If successful, this will enable the work programme to be accelerated with a focus on building the evidence base to support the

development of the sub-national transport strategy. The full detail of the proposed local authority funding contributions is set out in Appendix B of the Collaboration Agreement for approval. It is intended that these initial contributions should cover the period from the date of establishment through to 31 March 2020. There will be a further assessment of funding needs for the shadow Body in time for decisions on budgetary provision for 2020/21, as required. Any underspend at that point will be carried forward to help offset any additional budgetary requirement for 2020/21.

### **Legal Implications:**

There is no statutory requirement to establish a sub-national transport body. The SWPSSTB will be an informal non-statutory partnership with a limited range of responsibilities and a clear line of report to the constituent authorities where decisions on policy, budgets (beyond the initial budget approved for the body), scheme prioritisation and constitutional matters are required. It has been established largely in accordance with the requirements of the Cities and Local Government Devolution Act 2016 to smooth the potential transition to statutory status for the body. Some changes would be required to the constitutional arrangements at that stage and statutory body status would require the approval of the Secretary of State.

The SWPSSTB will use its Constitution as the basis for the development of a business case for the establishment of a statutory body with appropriate powers for submission to the constituent authorities for approval.

As stated in the earlier decision report formal scrutiny of the SWPSSTB will be a matter for each of the constituent authorities through their own scrutiny arrangements during the shadow phase of operation.

During the shadow phase the councils chosen to undertake 'Lead Authority' roles will coordinate and administer the project in accordance with the role specification set out in the Collaboration Agreement.

### **Human Resource Implications:**

There are no specific HR implications at this stage in setting up the SWPSSTB as an informal partnership. In due course those councils selected to undertake Lead Authority roles may need to employ dedicated staff to administer and support the work of the shadow Body. Torbay Council is not proposed to be a lead authority at this stage and as such would continue with the in-kind officer support, provided by the Assistant Director Business Services and officers in the Strategic Planning and Transport team.

### **Risk Implications:**

The key risk is a loss of potential strategic infrastructure investment should the Council choose not to enter into a partnership to form the SWPSSTB.

### **Supporting Documents:**

Appendix 1 - Record of Decision "Transport for the South West Peninsula" Sub-National Transport Body, 3<sup>rd</sup> September 2018

Appendix 2 - Constitution of SWPSSTB  
Appendix 3 - Collaboration Agreement for the SWPSSTB

### **Decision Taken:**

That Torbay Council agrees to:

- (i) approve the Constitution of the South West Peninsula Shadow Sub-National Transport Body (SWPSSTB) attached as Appendix 2 to this Record of Decision;
- (ii) approve the Collaboration Agreement attached as Appendix 3 to this Record of Decision and formally sign the Agreement on behalf of the Council so leading to the formal establishment of SWPSSTB on 5 November 2018. This document includes confirmation of the Council's initial funding contribution covering the period from the date of establishment through to 31 March 2020; and
- (iii) appoint the following Councils to undertake the 'lead authority' functions detailed in the Collaboration Agreement, for the duration of the shadow period of operation:
  - Cornwall Council – technical transport;
  - Devon County Council – administration of meetings;
  - Plymouth City Council – Finance; Communications & Engagement; and
  - Somerset County Council – Governance.

### **Summary of Reason(s) for Decision Taken:**

The Elected Mayor agreed in September 2018 to the establishment of a shadow Sub-National Transport Body for the South West Peninsula to respond to the opportunity presented by the Cities and Local Government Devolution Act 2016. Delegated authority was given to enable the necessary decisions to be taken to establish the partnership at the earliest opportunity.

The establishment of the SWPSSTB is a priority to meet the Government's expectation that such a body is in place for discussions and agreement on strategic transport infrastructure investment priorities.

### **Summary of Alternatives or Options considered and rejected and Background Papers:**

The detailed proposals set out in the appendices to this Record of Decision have been developed in discussion with senior officers from the constituent authorities. There has also been an informal meeting of the local authority representatives of the SWPSSTB which considered these proposals in detail on 3 October 2018.

### **Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:**

None

### **Implementation:**

This decision will come into force immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: 2 November 2018  
Assistant Director Business Services

Signed: \_\_\_\_\_ Date: 2 November 2018  
Executive Lead for Community Services