

THE CONSTITUTION OF THE TRANSPORT FOR THE SOUTH WEST PENINSULA

SHADOW BOARD (TftSWP)

1. Introduction

- 1.1. The Cities and Local Government Devolution Act makes provision for the establishment and constitution of Sub-National Transport Bodies (STBs) for any area in England (outside of Greater London).
- 1.2. The establishment of an STB as a statutory body requires approval from Government and a Statutory Instrument must be agreed by Parliament. It has been agreed by each of the Constituent Authorities to establish a shadow body which will operate until a statutory body is approved.
- 1.3. This Constitution will govern the running of the shadow body and will form the basis of the proposal to the Secretary of State for Transport for a statutory body which will be developed over the coming months and presented to the Shadow Partnership Board and the Constituent Authorities for consideration and approval. The proposal to the Secretary of State will also set out the powers that the body will be seeking, which will be informed by the TftSWP's vision, Transport Strategy, and negotiations with the Department for Transport (DfT).

2. Constituent Authorities

The Constituent Authorities are the following Local Transport Authorities situated within the South West Peninsula:-

- Cornwall Council
- Devon County Council
- Dorset County Council
- Plymouth City Council
- Somerset County Council
- Torbay Council

3. Area of the TftSWP Board

This will be the area of the Constituent Authorities.

4. Name

The name of the Shadow Sub-National Transport Body will be Transport for the South West Peninsula.

5. Terms of Reference

5.1. The Terms of Reference of the TftSWP Board will be those that the body may from time to time at its discretion determine but will include:

- Developing and publishing a transport strategy for the area.
- Developing responsibilities and accountabilities (including their delegation) for the TftSWP Board including governance and assurance arrangements.
- Preparing a submission to Government in relation to the creation of a statutory Sub-National Transport Body for the area of the TftSWP.

6. Membership

6.1 Each Constituent Authority will appoint one councillor as a member of the TftSWP Board and shall be entitled to one vote. Should the local authority governance arrangements in any local transport authority area change, the TftSWP Board will review its membership to accommodate the changes. The person appointed by each Constituent Authority shall be the relevant Cabinet portfolio-holder.

6.2 New membership applications will be considered and determined by the TftSWP Board.

6.3 Each Constituent Authority will appoint another of their councillors as a substitute to act as a member of the TftSWP Board in the absence of the person appointed. Such appointments will reflect the level of representation and authority set out in paragraph 6.1.

7 Co-opted Members

7.1 The TftSWP Board can appoint persons as representatives of other organisations as co-opted members of the TftSWP Board where their participation is seen as adding value to the Board. Alternatively, other organisations with an interest in TftSWP matters can apply to appoint co-opted members of the TftSWP Board and the Board will consider these applications on an individual basis.

7.2 Applications to become a co-opted member of the TftSWP Board have to be submitted in writing to the Lead Authority at least 6 weeks before the Shadow Partnership Board meeting they are to be considered at.

7.3 It is anticipated that representatives of the following organisations will be appointed as co-opted members of the TftSWP Board:

- (a) One representative from each of the Local Enterprise Partnerships within the South West Peninsula area, namely Cornwall and the Isles of Scilly, Heart of the South West and Dorset. It is anticipated that any such appointments will be members of their governing Board.
- (b) The person appointed by the TftSWP Board as Chair of the Stakeholder Group created by the Board to bring together stakeholder interests.
- (c) One representative each from the Department of Transport, Highways England, Network Rail and Homes England.
- (d) One representative of the Western Gateway SSTB.

- 7.4 Organisations with co-opted member status will be able to appoint a substitute to act as a member of the TftSWP Board in the absence of the person appointed. Substitutes should be of the same status as the appointed member.
- 7.5 Representatives of organisations with co-opted member status of the TftSWP Board will be non-voting members of the Board, except to the extent that the voting members of the Board resolve that such members should have voting rights.
- 7.6 Constituent Authorities of the TftSWP Board are free to take co-opted membership of other Sub-National Transport Bodies.
- 7.7 The TftSWP Board may choose to appoint one of its Constituent Authority representatives to represent the views of the Board at other Sub-National Transport Bodies.
- 7.8 The TftSWP Board may invite third parties to participate in meetings of the board and/ or be members of project teams established by the Board.
- 7.9 Third parties may request to address the TftSWP Board on a specific issue or proposal. The Chairman of the STB board will determine whether to grant the request.

8 Election and role of Chairman and Vice-Chairman

- 8.1 The Chair and Vice-Chair will be elected for a term of one municipal year from within the Local Transport Authority representation on the TftSWP Board.
- 8.2 The first election will take place at the inaugural meeting of the TftSWP Board and at the meeting scheduled nearest to the 12 month anniversary of the inaugural meeting, every year thereafter.
- 8.3 The Chair and Vice-Chair appointments will rotate annually amongst the elected members of the TftSWP Board. The rotation will be defined alphabetically by Local Authority with no single organisation holding the chair for successive years. The Vice-Chair will become the Chair in the subsequent year.
- 8.4 In the absence of the Chair, the Vice-Chair will Chair the meeting. In the absence of the Chair and the Vice-Chair, the voting members present will appoint a Chair for the duration of the meeting from within the local transport authority representation listed in section 2.

9 Voting

- 9.1 Each Constituent Authority, as listed in paragraph 2, will appoint one person as a member of the TftSWP Board and that person shall be entitled to one vote. Substitutes appointed by the Constituent Authorities shall also be entitled to one vote when substituting for the named representative at a meeting of the Board.
- 9.2 Co-opted members shall be non-voting members of the TftSWP Board, except to the extent that the voting members of the Board resolve that co-opted members shall have voting rights.
- 9.3 There is a presumption that decisions of the TftSWP Board are normally agreed by consensus of the voting members present. In exceptional circumstances where

Draft constitution of the Transport for the South West Peninsula Shadow Board

consensus cannot be achieved, a formal vote shall be taken. Where a formal vote is required the matter shall be decided by a simple majority of those members present and entitled to vote as agreed by the Board.

9.4 Where there are equal votes, the Chair of the meeting will have the casting vote.

9.5 The Quorum shall be three voting members of the TftSWP Board. A minimum of two Constituent Authority members must be present for a valid meeting of the TftSWP Board to take place.

10 Transparency and Public Accountability

10.1 Meetings of the TftSWP Board will be held in accordance with the Local Government Access to Information rules. Accordingly:

- Meetings will be held in public although the public may be excluded from meetings or parts of meetings where a report contains confidential or exempt information or where a members' debate may lead to disclosure of confidential or exempt information.
- At least five clear working days' notice will be given, in writing, to each member of every ordinary meeting of the Shadow Partnership Board, to include an agenda and accompanying reports relating to the business to be transacted at the meeting.
- Meetings of the TftSWP Board will be held at least quarterly with the meeting arrangements agreed by the lead authority in consultation with the Constituent Authorities.
- The agendas, minutes and reports for the TftSWP Board will be made publicly available. The only exception to this relates to confidential or exempt information.

10.2 Where required, extraordinary meetings can be held with the agreement of the Chair.

10.3 The quorum for TftSWP Board meetings will be three members. A minimum of two elected members are required to be present for a valid meeting of the SSTB to be held.

10.4 Subject to the contents of this Constitution, meetings of the TftSWP Board will be held in accordance with the Constitution and Standing Orders of the Administering Authority.

10.5 It is not proposed to establish stand-alone scrutiny arrangements for the shadow body, but as the proposal to Government for a statutory body is developed, consideration shall be given, in consultation with the DfT, as to what will be required in the future. It is therefore proposed that each of the Constituent Authorities use their own scrutiny arrangements for assessing the performance of the TftSWP Board.

10.6 Individual members of the TftSWP Board will be responsible for ensuring their organisation is kept briefed on the work of the Board.

11 Executive Arrangements

11.1 The TftSWP Board will not operate formal statutory executive arrangements.

11.2 The TftSWP Board may delegate the discharge of its functions to a Committee,

Sub-Committee or officer, or to another Local Authority. As such, the TftSWP Board may establish a Committee(s) to discharge any functions, subject to 11.3 below.

- 11.3 The extent of the decision-making powers of the TftSWP Board will be detailed in the terms of reference, including the limits on those decision making powers and those matters which require referral to the Constituent Authorities for approval.
- 11.4 The functions of agreeing a budget and the Transport Strategy of the TftSWP Board will not be delegated functions and will only be determined at a meeting of the full SSTB.
- 11.5 The TftSWP Board may delegate the discharge of agreed functions to the officers of the Constituent Authorities as set out in the terms of reference.

12 Governance Structures

12.1 The structure for the TftSWP Board is as follows:

- **TftSWP Board** – this is the decision-making body for the SSTB.
- **Peninsula Rail Task Force Board** – This will consider and make recommendations on strategic rail matters on behalf of the TftSWP Board and membership will cover the same geographic area as the STBB.
- **TftSWP Senior Officer Group** – this will comprise senior officers from the Local Transport Authorities. It will provide expertise and recommendations to the Board and will oversee delivery of its work programme.
- **Transport Stakeholders Group**– this will be an advisory body to the Senior Officer Group and Shadow Partnership Board, comprising a wider group of representatives including but not limited to: the CBI, LEPs, Universities, public transport operators and port authorities, district councils as well as Government and National Agency representatives.
- **Programme Management Group** – the Programme Management Group will comprise a dedicated programme manager and administrative support in the first instance (subject to appropriate financial provision) supported by officers from the Local Authorities. Programme management and technical resources will be kept under review and may vary according to the work programme and funding available.

12.2 During the shadow period, the TftSWP Board will not have the statutory standing that it will once formally constituted by the Secretary of State. Consequently, the TftSWP Board will not be able to enter into contracts or employ staff in its own right. It is therefore proposed that the TftSWP Board appoints a Lead Authority, which in summary will:

- co-ordinate and administer the project and meetings of the Board.
- manage the budget for, and the sound financial management of, the Board. The budget will be allocated in accordance with the decisions of the Board as authorised by the Constituent Authorities.
- claim, draw down and account for all funds due from the Constituent Authorities and any other body.
- provide procurement services to all contracts let on behalf of the Board.
- keep appropriate accounting and operational records.

Draft constitution of the Transport for the South West Peninsula Shadow Board

- procure on behalf of the Constituent Authorities such external support, advice or consultancy services that are considered necessary by the Shadow Partnership Board or the Senior Officer Group having considered opportunities to utilise contracts already held by individual authorities.
- oversee the preparation of the proposal to the Secretary of State to transition to a statutory Sub-National Transport Board; and
- prepare a communications and marketing strategy for the project for the approval of the Board and then to implement the strategy.

Where such an arrangement is in place it is usual for the Constituent Authorities to enter into an Inter-Authority Agreement which will govern this.