

THE CONSTITUTION OF THE SOUTH WEST PENINSULA SHADOW SUB-NATIONAL TRANSPORT BODY

1. Introduction

- 1.1 The Cities and Local Government Devolution Act makes provision for the establishment and constitution of Sub-National Transport Bodies (STB) 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 and if a statutory body is established.
- 1.3 This Constitution will govern the running of the shadow Body and will form the basis of the development of a business case for the establishment of a statutory Body. This business case will be considered for approval by the Body and the Constituent Authorities and will set out the powers that the body will be seeking, to be informed by the SWPSSTB's vision, Transport Strategy, and negotiations with the Department for Transport (DfT). If the business case is approved, it will be submitted to the Secretary of State for consideration.

2. Constituent Authorities

- 2.1 The Constituent Authorities are the following Local Transport Authorities situated within the South West Peninsula:-
 - Cornwall Council
 - Devon County Council
 - Plymouth City Council
 - Somerset County Council
 - Torbay Council

3. Area covered

- 3.1 This will be the administrative area of the of the Constituent Authorities.

4. Name

- 4.1 The name of the Body will be the South West Peninsula Shadow Sub-National Transport Body (SWPSSTB). For communications and engagement purposes a different brand may be adopted by the Board.

5. Functions of the SWPSSTB

5.1 The Appendix to this Constitution sets out the terms of reference of the SWPSSTB Board. This complements the Board's formal list of functions set out in 5.2 below. For the avoidance of doubt, the Board's functions will be exercised in accordance with clause 11 (Decision-making Arrangements).

5.2 The SWPSSTB Board will

- (a) Develop and publish a sub-national transport strategy for the South West Peninsula area in consultation with the Western Gateway STB to ensure there is a consistent strategy for connecting corridors
- (b) Develop a transport evidence base for the South West Peninsula to identify and prioritise scheme delivery for consideration by the Department for Transport
- (c) Enable a more effective and meaningful engagement with the Department for Transport, infrastructure agencies (such as Highways England and Network Rail), service providers (such as bus and train operating companies) and Homes England
- (d) Provide the focus for a single conversation on strategic transport and infrastructure related activities
- (e) Ensure that rural mobility is addressed through innovative solutions to tackle poverty and suppressed demand
- (f) Agree the sequencing of priorities/schemes with Network Rail, train operating companies and Highways England to ensure there is a joint approach to the development and delivery of strategic infrastructure
- (g) Agree the needs of the South West in future specifications for public transport franchises in the region.
- (h) Provide the opportunity to share technical expertise and resources across the partners to assist with the development, assessment and implementation of proposals
- (i) Develop proposals for responsibilities and accountabilities (including their delegation) for the SWPSSTB Board including governance and assurance arrangements. Any amendments required to the shadow Board's Constitution as a result will be subject to the approval of the Constituent Authorities.
- (j) Develop and consider a business case for the establishment of a statutory Sub-National Transport Body. If approved by the SWPSSTB and the Constituent Authorities, it will be submitted to the Secretary of State for consideration.

6. Membership

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

6.2 Each Constituent Authority will appoint another senior councillor or a senior officer as a substitute to act as a member of the SWPSSTB Board in the absence of the person appointed. Continuity of membership is an imperative during the shadow stage of operation hence the option to appoint a named councillor or an officer as a substitute.

6.3 Constituent Authorities of the SWPSSTB are free to take co-opted membership of other Sub-National Transport Bodies.

6.4 The SWPSSTB 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 Co-opted Members

7.1 The SWPSSTB Board can appoint representatives of other organisations as co-opted members of the SWPSSTB Board where their participation is seen as adding value to the Board.

7.2 It is anticipated that representatives of the following organisations will be invited to participate as co-opted members of the SWPSSTB Board to establish a collaborative partnership and enable a single co-ordinated conversation:

- (a) One representative from each of the Local Enterprise Partnerships within the South West Peninsula area, namely Cornwall and the Isles of Scilly, and Heart of the South West. It is anticipated that any such appointments will be members of their governing Board.
- (b) The Chair of the Stakeholder Group created by the Board to represent key interest groups.
- (c) One representative each from the Department of Transport, Highways England, Network Rail and Homes England.
- (d) One representative of the Western Gateway STB.
- (e) One representative of the Council of the Scilly Isles.

7.3 Organisations with co-opted member status will be able to appoint a substitute to act as a member of the SWPSSTB Board in the absence of the person appointed. Substitutes should have an equivalent level of representation and authority to the appointed member.

8 Election and role of Chair and Vice-Chair

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 SWPSSTB Board.

8.2 The first election will take place at the inaugural meeting of the SWPSSTB 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 SWPSSTB 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 Constituent Authority elected member representation.

9 Voting

9.1 Each member of the SWPSSTB Board as set out in 6.1 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 SWPSSTB 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 SWPSSTB Board are normally agreed by consensus of the voting members present. In exceptional circumstances where 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 Board's quorum shall be three voting members of the Constituent Authorities.

10 Meeting requirements of the SWPSSTB Board

10.1 Meetings of the SWPSSTB 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 Board, to include an agenda and accompanying reports relating to the business to be transacted at the meeting. Late items will only be considered in exceptional circumstances, with the agreement of the Chair and in accordance with the Access to Information rules.
- Meetings of the SWPSSTB Board will be held at least quarterly with the meeting arrangements including dates and times agreed by the lead authority in consultation with the Constituent Authorities
- Agendas, minutes and reports of the SWPSSTB Board will be published online. 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 Subject to the contents of this Constitution, meetings of the SWPSSTB Board will be held in accordance with the Constitution and Standing Orders of the Administering Authority.

10.4 Stand-alone scrutiny arrangements will not be established for the shadow body. During the shadow phase of operation each of the Constituent Authorities will use their own scrutiny arrangements for assessing the performance of the SWPSSTB Board. The issue of formal stand-alone scrutiny arrangements will be considered as part of the development of the business case for the statutory body proposal.

10.5 Individual members of the SWPSSTB Board will be responsible for ensuring their organization is kept briefed on the work of the Board.

10.6 SWPSSTB Board recommendations to the Constituent Authorities for decision will be made via a single template report to ensure consistency of reporting and decision-making. In addition to the decision reports, regular update reports about the work of the Board will be submitted to the Constituent Authorities for

information.

- 10.7 The SWPSSTB Board may invite third parties to participate in meetings of the board and/ or be members of project teams established by the Board.
- 10.8 Third parties may request to address the SWPSSTB Board on a specific issue or proposal. The Chairman of the Board will determine whether to grant the request.

11 Decision-making Arrangements

- 11.1 The SWPSSTB will not operate formal statutory executive arrangements. Instead, each member of the Board will retain their existing accountabilities and responsibilities for transport for their Constituent Authority. The assumption is that individual transport authority representatives have a consistent level of delegated authority from their Council Leader to participate in the business of the Board. During the Board's shadow operating phase they will also be responsible for ensuring that the necessary approvals for Board decisions are obtained within their organization. The SWPSSTB Board has full decision-making responsibility for the functions set out in paragraph 5.2 above, subject to the following requiring the approval of the constituent authorities:
- The Transport Strategy for the South West Peninsula
 - The criteria to inform strategic priorities for investment
 - Any additional budget contributions required to support the work of the Board beyond the agreed operating budget of the Board.
 - Any changes recommended to the shadow Board's Constitution.
- 11.2 The functions of agreeing a budget and the Transport Strategy will not be delegated functions and will only be determined at a meeting of the full Board.
- 11.3 The SWPSSTB Board may delegate the discharge of agreed functions to the officers of the Constituent Authorities as set out in the terms of reference.
- 11.4 The SWPSSTB Board may delegate the discharge of its functions to a Committee, Sub-Committee or officer, or to another Local Authority. As such, the SWPSSTB Board may establish a Committee(s) to discharge any functions, subject to 11.2 above.

12 Governance Structures

- 12.1 The officer support structure for the SWPSSTB Board is as follows:
- **SWPSSTB 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 SWPSSTB Board and membership will cover the same geographic area as the Board.
 - **SWPSSTB 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.
 - **Stakeholder Group** – this will be an advisory body to the Senior Officer Group and Shadow 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 The Officer Groups will maintain an overview of the activities taken forward as part of the Board and ensure that the work programme adopted by the Board is delivered.

12.3 The Board may establish sub-groups where this is appropriate in order to address specific issues: sub-groups may be either time-limited in their duration or standing sub-groups where the issue is on-going.

APPENDIX

South West Peninsula Shadow Sub-National Transport Body

Terms of Reference

1. Purpose

- 1.1. These terms of reference concern the South West Peninsula Shadow Sub-National Transport Body and its associated sub groups.

2. Sub-National Transport Bodies (STBs) for the South West Region

- 2.1. Local Authorities across England are embracing the new legal powers and duties set out under the Cities and Local Government Devolution Bill to establish statutory regional transport bodies.
- 2.2. These bodies will advise ministers on the investment priorities across their functional economic geographies and the strategic transport schemes needed to further economic growth.
- 2.3. There is a firm consensus across the South West Region that the formulation of two sub-national bodies will be the most efficient and effective way to deliver infrastructure that keeps pace with our accelerated growth programmes. In recent years, two distinct sub national groupings have emerged in relation to particular economic challenges and functional geographies, and these already have a clear understanding of the strategic investment needs in their area:
 - The **Western Gateway** has the well-established West of England (WOE) city region at its core and is already jointly planned on a statutory basis. It is on the axis of a number of routes into the Bristol city region area and the Bournemouth/Poole city region area. Investment needs are more likely to focus more on metropolitan transit solutions and strengthening core routes to manage growth of the two city-regions.
 - The **South West Peninsula** has well-established joint planning arrangements for strategic rail investment in the form of the Peninsula Rail Task Force. The Peninsula challenge is to enable peripheral areas to become more productive and reduce journey times on key strategic routes connecting with other economic hubs. There are also a more dispersed set of place-based growth challenges including city growth, rural mobility and maximising the economic potential of the region's natural assets.
- 2.4. Corridor alliances such as those formed around the A303 corridor and the Bristol South West Economic Link will remain a key mechanism for joint working between the STBs.
- 2.5. The collaborative development and management of the STBs will continue to be monitored and managed by Senior Officers attending the South West ADEPT Board.

3. The South West Peninsula

- 3.1. The South West Peninsula is an important economy with a population of around 2.2m, contributing over £43bn of GVA to the national economy.
- 3.2. The peninsula has significant opportunities for sustained growth with some of the country's most successful businesses, leading universities, the biggest naval base in Western Europe, the UK's largest infrastructure project at Hinkley Point C, world leading science research and innovation and a host of cutting edge companies.
- 3.3. Despite the enormous potential in its businesses, its people and its places, the South West faces a wider challenge of proximity and poor connectivity with the rest of the country. The economy is not as strong as it could be, with GVA per head in the South West Peninsula of £19,167 compared to £26,621 nationally. This falls to as low as £14,888 in some areas of this geography, with two of the South West Peninsula LEP areas remaining within the bottom four least productive nationally. There is however a wide variation across the area with cities

like Exeter and Plymouth demonstrating stronger rates of productivity growth after the recession and with levels comparable to the UK average.

- 3.4. Establishing an STB for the South West Peninsula would facilitate the development and implementation of a transport strategy that furthers the economic growth of the South West Peninsula and address the GVA points in paragraph 3.3..Investment in the South West with a greater level of local input is therefore vital to address the national rebalancing issue, driving long term, transformational growth and ensuring the region can continue to keep pace with the rest of the UK.
- 3.5. The South West Peninsula Transport authorities are best placed to develop and deliver a strategy that prioritises future strategic, transformational and large-scale transport investment in the South West, enabling the region to accelerate its economic and housing growth.
- 3.6. Our grouping reflects the close, historic ties and a commitment to work collectively to address the wider challenges of proximity and connectivity with the rest of the country.
- 3.7. The South West Peninsula authorities are committed to working together to prioritise future investment and benefit the economic performance of the South West Peninsula region with the key aims of:
 - Driving economic growth by delivering a substantial place-based programme
 - Addressing the productivity gap between the South West Peninsula and the rest of the United Kingdom,
 - Reducing the rural peripherality of the region
- 3.8. The South West Peninsula Shadow Sub-National Transport Body (SWPSTB) is the partner authorities' response to the need for a STB to provide one collective voice to represent the strategic transport issues in the region.
- 3.9. As such, the SWPSTB provides a single point of contact for Government, its agencies, infrastructure and service providers on strategic transport issues.
- 3.10. The proposed area allows for genuine strategic consideration and planning of transport infrastructure, with those included in the STB boundary demonstrating a willingness to be involved. The South West Peninsula authorities will retain a co-operative narrative focussing on shared strategic travel corridors and shared benefit of the importance of critical national and international links.
- 3.11. The local authorities have previous experience working together to present a united voice on strategic transport matters, with the Peninsula Rail Task Force having produced a 20-year plan in 2016 aimed at making the case for a sequenced programme of investment towards improving rail resilience, connectivity and comfort for rail services to and from the region.
- 3.12. Whilst currently there are five Peninsula Local Highway Authorities forming the proposed STB grouping, it remains open to other bodies joining should there be a mutual benefit in doing so.

4. Statement of Purpose

- 4.1. The functions of the SWPSTB are set out in section 5 of the Constitution.
- 4.2. Through fulfilling these functions the partners will be able to:
 - Identify and maintain a single overview of strategic transport priorities in liaison with stakeholders as appropriate
 - Manage the resources available to establish project teams as a means of providing the leadership required to develop strategic proposals, including engagement with business and the wider community
 - Establish joint teams to undertake and commission work (including the development of business cases) to secure investment funding to enable the delivery of strategic proposals

- Work with Government and its agencies to co-design nationally delivered transport investment programmes
- Utilise the joint view of investment priorities for the South West Peninsula to influence funding processes including Network Rail's Control Periods; Highways England's Road Investment Strategy and in respect of the Major Road Network, the Department for Transport's National Roads Fund
- Explore the rationalisation of existing groups associated with transport investment prioritisation across the geographic area

4.3. The SWPSTB will enable the partners to realise:

- An accelerated growth programme, raising productivity across the region above the projected local and national baseline.
- Greater added value through the sharing of knowledge, skills and resources
- More efficient operation of the strategic and major road networks
- Improved resilience and reliability of the transport system, particularly during periods of disruption (both planned and unplanned)
- More efficient and effective delivery of infrastructure, with schemes delivered faster and at less cost
- More effective engagement with, and influence over, decision making at the national level
- Enhanced job opportunities and accelerated housing delivery, better access to education, improved local public services and better supported tourism and recreation through an improved transport system
- Improved national and international connection in to, out of and across the region, supporting commerce
- Improved links across the South West Peninsula, including to our ports and airports to enable freight and goods to move more efficiently

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