

GOVERNANCE UPDATE

Report by Julian Gale, Strategic Manager, Somerset County Council

1st March 2019

Please note that the following recommendation/s is/are subject to consideration and determination by the Board before taking effect.

RECOMMENDATION

It is recommended that the Board approves:

- (a) The stakeholder forum arrangements set out in Appendix A to this report; and
- (b) Appendix B which contains proposed arrangements for public participation at Board meetings and some guidance concerning filming, recording and transmitting Board business by members of the public and the media.

1. Background/Introduction

This report follows from the approval of the Board's Constitution and Collaboration Agreement by the Constituent Authorities. The issues raised are important issues that if agreed will, in effect, complete the Board's governance arrangements. The report only deals with current governance issues in relation to the Board in shadow form. It does not cover governance issues relating to moving the Board onto a statutory footing.

2. Proposals

Transport Forum

The intention with the Constitution was to put in place arrangements for the Board that replicate as far as practicable the arrangements that will be required if the Board moves to statutory status at some point in the future. In terms of the Board's membership it was recognised that there are a number of organisations that will be interested in the work of the Board and may wish to contribute to it. Accordingly, the Board received a presentation in November about the intention to establish a stakeholders' body (the "Transport Forum") to represent these interests.

Terms of Reference for the Transport Forum have been drafted (attached as Appendix A) and are recommended for approval. It is proposed that the Transport Forum meet three times a year, with the first meeting to be arranged following the approval of the Terms of Reference. The Transport Forum will bring together a range of stakeholders, by invitation only, and enable two-way communications for updates on developments and gathering views on strategic transport issues to feed into the SSTB. The Forum will provide technical guidance and expertise, as well as supporting the development of the emerging strategic Transport Strategy. The Transport Forum will be represented at and report to the Peninsula Transport Board via the chair of the Forum, who shall have a non-voting role as provided for under the Constitution. The Chair and Vice Chair shall be nominated from the Transport Forum membership for a period of two years with an option to reappoint for a further term. In addition to the core Transport Forum, it is proposed that a wider stakeholder event is held annually with an open invite although this is not covered under the Terms of Reference.

Public Participation

The Constitution makes provision for the operational arrangements of the Board, including its formal meetings, to take place under the Local Government Access to Information requirements. Agenda and report management arrangements have been put in place by Devon County Council to ensure

that the legislative requirements are met. Part of these requirements are that formal meetings of the Board are open to press and public to attend subject to their exclusion for the consideration of confidential or exempt business as defined under the legislation. Members will be aware that there is a common provision on local authority meeting agendas for members of the public to make representations to or ask questions of the members and receive answers either at or after the meeting. The proposal is that the Board should be no different in this regard and attached as Appendix B are some recommended provisions to allow public participation at Board meetings, subject to simple rules to manage that participation. The public also have the right to film, record and transmit the business conducted at formal Council meetings. Again, it is common for councils to apply some simple rules to control how this done to meet the requirements of the legislation and to ensure the orderly conduct of business. Appendix B contains some recommended guidance on this matter for consideration and approval.

3. Options/Alternatives

The proposal to establish a Transport Forum was considered as part of the creation of the Board and was chosen as the most appropriate way for a range of interests to be informed about the Board and its work. It enables these interests to be involved and keep the Board's membership at a manageable size.

The obvious alternative to making provision for public participation at formal Board meetings is not to make such provision. Given the commonality of such provisions in local authority constitutions and requirements on local authorities to be open and transparent and encourage public engagement it was felt by the officers that the ability of the public to make direct representations should be the recommended approach. It also provides a direct opportunity for other organisations and interests to address members and ask questions.

4. Consultations/Representations/Technical Data

There have been discussions with the stakeholder interests who will be engaged in the Forum.

5. Financial Considerations

There are no direct costs associated with these proposals beyond the costs of meetings which should be minimal and will be funded from the Peninsula Transport budget.

6. Environmental Impact Considerations

This Report has no specific environmental impact implications.

7. Equality Considerations

This Report has no specific equality implications.

8. Legal Considerations

These are covered within the report in so far as they are applicable.

9. Risk Management Considerations

No business risks have been identified with these proposals.

10. Public Health Impact

This Report has no specific environmental impact implications.

11. Summary/Conclusions/Reasons for Recommendations

The reasons for bringing forward these recommendations are set out in the report. In summary they are intended to improve the way the Board works and put it in a strong position should the transition to statutory body status be sought in the future.

Julian Gale

Background Papers:

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The Openness of Local Government Bodies Regulations 2014

APPENDIX A

TRANSPORT FORUM

Terms of Reference

The Transport Forum is part of Peninsula Transport, reporting into the Shadow Sub National Transport Body (SSTB) Board. The Transport Forum has a clearly defined remit and purpose.

Purpose

The purpose of the group is to provide technical guidance and expertise to the Peninsula Transport SSTB Board and Senior Officer Group. The Forum will ensure that a broad range of stakeholder and partner views are taken into account by the SSTB and Senior Officer Group. The key challenge for the Peninsula is to strengthen our strategic links to keep pace with the rest of the UK, reinforcing connectivity and exploiting opportunities to become more productive. The group will therefore need to consider the following key areas:

- Resilient road and rail networks to support connectivity including access to our regional airports and ports
- Impact of technology and innovation in supporting our urban and rural mobility challenges
- Infrastructure investment needed to unlock housing development and create accessible enterprise areas

Members of the Forum will have the opportunity to shape and guide the development of the strategic Transport Strategy for Peninsula Transport SSTB.

Objectives of the Transport Forum

The objectives of the Forum are to:

- Bring together a wide range of stakeholders to update on industry / policy developments and gather views on strategic transport issues to feed into the SSTB;
- Provide technical guidance and expertise on key issues, including integration of modes, the impact of emerging technology and user experience;
- Support the development of the emerging strategic Transport Strategy and provide guidance on how to consult and engage with different audiences and stakeholders;
- Develop shared understanding of the key issues facing users, operators and the supply chain; and
- Provide support to the SSTB on influencing Government decisions around Peninsula Transport strategic matters.

Accountability

The Transport Forum will report to the Shadow Sub National Transport Board. Appendix 1 contains a diagram showing the relationship between the Transport Forum and the SSTB Board.

Membership

Members will be selected by their representative groups for a period of two years. It is the role of Transport Forum members to represent fairly and fully the interests and views of those bodies and groups.

A list of Transport Forum Members can be found in Appendix 2.

Appointment of Chair / Vice Chair

The Chair shall be nominated from within the membership of the Transport Forum by its members and approved by the Peninsula Transport SSTB Board for the period of two years, with an option to reappoint for a further term.

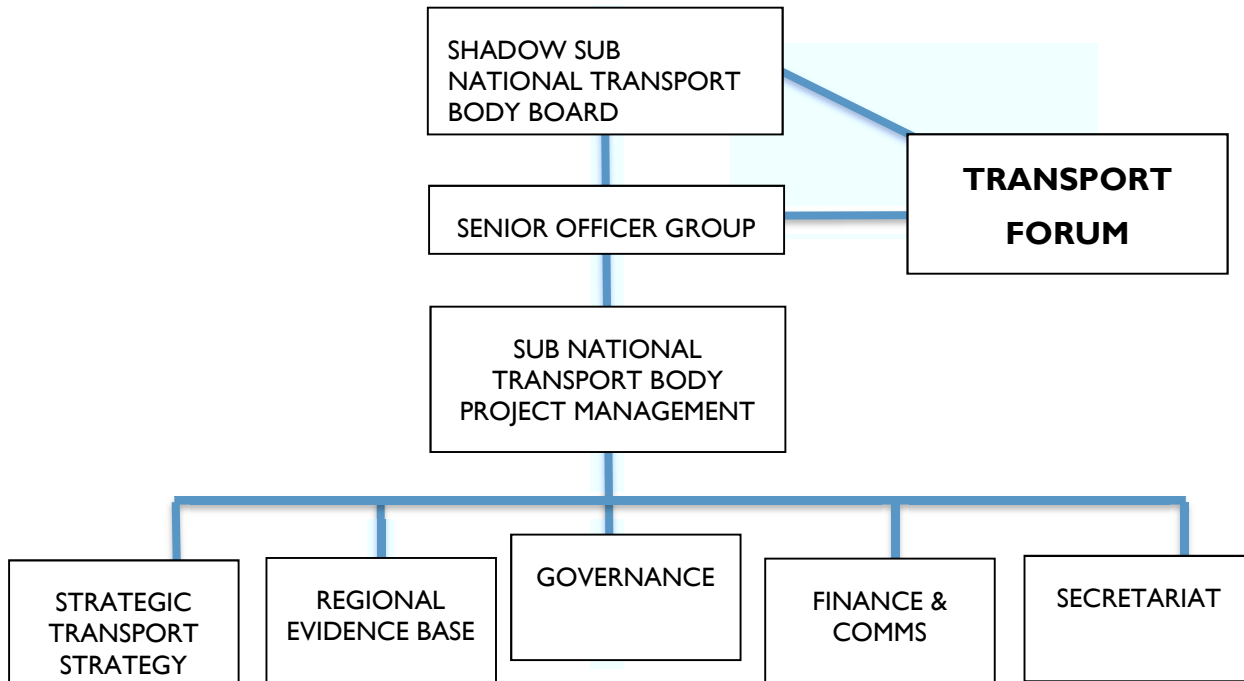
The Chair of the Transport Forum will have a non-voting role on the Peninsula Transport SSTB Board.

The Vice Chair shall be nominated from within the membership of the Transport Forum by the same process as that adopted for the Chair and should be appointed from a different sector/organisation from that of the Chair.

Frequency of Meetings

The Transport Forum will meet three times a year, in advance of the SSTB Board meeting.

Appendix I: Peninsula Transport Shadow Sub National Transport Body Structure



Appendix 2: Transport Forum Membership

- Business Reps (Chambers of Commerce, CBI, Federation of Small Businesses)
- Train Operators (Great Western Railway, South Western Railway, CrossCountry)
- Bus Operators (Stagecoach, First, Go Cornwall/ City Bus)
- Coach Operators (MegaBus, National Express)
- South West Regional Ports Association
- Airports (Exeter & Newquay & Bristol)
- Peninsula Airlines (Flybe & Isles of Scilly Skybus)
- Ferries (Brittany Ferries; Isles of Scilly Steamship)
- Freight organisations
 - Freight Transport Association / Road Haulage Association
 - DB Cargo / Freightliner / Direct Rail Services
- Sustrans
- Passenger/Road User representatives (Transport Focus (regional contact) / TravelWatch South West)

APPENDIX B

PUBLIC PARTICIPATION AT PENINSULA TRANSPORT MEETINGS

1. Can I attend a meeting?

Formal meetings of the Peninsula Transport Board are open to the public who may attend to observe the business and may participate in accordance with section 2 that follows below. Public attendance is subject to the Local Government Access to Information rules, which permit the Committee, when considering an item of business on the agenda, to exclude the press and public in circumstances where there is the likelihood of the release of exempt information (eg, commercially sensitive information) as defined under the Local Government Act 1972.

Members of the public may use Facebook and Twitter, blogging or other forms of social media to report on proceedings at meetings. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is normally asked to advise the Secretariat Officer in attendance so that those present may be made aware.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

Members of the public will be treated with respect and courtesy when attending meetings of the Peninsula Transport board. They will be listened to and everyone who has registered will be able to be present/speak without interruption or intimidation.

It is therefore expected that members of the public listen to the proceedings and respect the views and experiences of other people contributing.

2. Public Participation

Members of the public are able to submit a statement and / or ask a question at formal meetings of the Peninsula Transport board. Statements and questions must relate to the responsibilities of the Peninsula Transport Shadow Sub National Transport Board.

To submit a statement / question you must live in the area served by the Peninsula Transport authorities.

3. Are there any restrictions on the statement that can be made or the question that can be asked?

The only restrictions are:

- The statement / question must not be frivolous or defamatory and must not concern a confidential issue which would normally be considered in private. The Board's Chair has discretion to refuse statements / questions which fail this requirement.
- A member of the public may only submit a single statement and / or ask one question at any meeting of the Peninsula Transport board. If more than one statement / question is received or a single question contains a number of component questions, then only the first statement / question will be accepted. You may ask one 'supplementary' question at the meeting arising from the answer given to your original question.

4. How do I submit my statement / question?

Formal statements/questions must be submitted in writing (by letter or email) before 12 noon on the fourth working day before the date of the meeting (i.e. if the meeting is on a Friday then the submission must be made by the preceding Monday, taking into account any Bank Holidays). The contact details for the Secretariat are available online. Where you submit a statement/ question relating to a report on an agenda for a meeting and that report is not available by this time you may nonetheless be entitled to make a statement/ ask a question in certain circumstances.

All statements / questions will be listed in the order received and will be circulated to everyone at the meeting together with written responses to questions.

When you submit a statement / question it would be helpful if you could also provide a telephone number so that we can contact you if there is a need to clarify any aspects or if for some reason no reply can be given to a question.

5. Can I speak at the meeting?

A member of the public who has submitted a statement / question will be allowed to make oral representations at the meeting to introduce their statement / question. Such representations will be limited to 3 minutes. While your views and comments may be acknowledged by the Chair of the meeting, you will not receive detailed 'answers' to any points included in your presentation.

6. How much time is allowed for public participation?

A maximum of 30 minutes in total is allowed at each meeting for public participation. If your statement / question cannot be dealt with in that time then you will be sent the response by letter or email. The Chair has the discretion to extend the period allowed for public participation in exceptional circumstances.

7. If I submit a statement / question do I have to attend the meeting?

No. If you cannot attend the meeting, the statement / question and responses to questions will be published on the website with the minutes of the meeting together with your name. If you do attend, you will be invited to sit at the place reserved for you while your statement / question is dealt with.

8. Is there a limit on the length of any statement / question?

No, but it is best to keep your statement/question as short as possible to avoid any misunderstanding. If a lengthy statement / question is submitted, the Chair may require it to be shortened before it is accepted for circulation.

9. How will I know what is on the agenda for a meeting?

Agendas are normally published one week in advance of the meeting and are available online.