

Transport Policy and Delivery – tie Ltd, SESTRAN and TEL

The City of Edinburgh Council

17 November 2005

Purpose of report

- 1 This report addresses the decision of the Council on 30 June 2005

“to agree the principle of opposition representation on the Board of tie, SESTRAN and TEL but to defer a final decision on the political make-up of tie, SESTRAN and TEL to the newly established short life Member Officer Group...”

Main report

- 2 At its meeting on 30 June 2005, the Council considered my report on Transport Policy and Delivery – the Next Steps and *inter alia* instructed me to bring back recommendations on opposition representation on tie, SESTRAN and TEL to its August meeting.
- 3 Since the Member Officer Group's first meeting did not take place until 25 August, it was not possible for me to report back within the requested timescale and, furthermore, the Group continued its consideration of the issue to its subsequent meeting in October.

tie Ltd

- 4 In relation to the Board of tie, four members, including the chair, are drawn from the private sector and three are nominated by the Council. The Council's current representation is drawn from the Labour Group and, in accordance with the decision of the Council on 30 June, I would now recommend that one of these places be filled by a nominee from one of the opposition groups. I would also advise of the recent resignation of Jim Brown, one of the private sector Board members. I am currently considering arrangements for the filling of this vacancy.

SESTRAN

- 5 SESTRAN, the first voluntary regional transport partnership, was formed in March 1998, in recognition of the need for regional liaison on transport policy and delivery among the new local authorities, following local government reorganisation in 1996. The Transport (Scotland) Act 2005 provides for the establishment of a statutory South East Scotland Regional Transport

Partnership and, therefore, SESTRAN now has statutory status. The principle statutory duty of the new partnership will be the production of a Regional Transport Strategy, which will set transport policy and investment priorities for the South east Scotland area and SESTRAN is also likely to have an increasingly important role in disbursing public funding for transport.

- 6 SESTRAN comprises representation from this Council and the Councils of West and East Lothian, Midlothian, Scottish Borders, Falkirk, Clackmannan and Fife. Stirling and Perth and Kinross Councils, who are members of the current voluntary partnership, will not be part of the new SESTRAN.
- 7 There are 20 voting local authority members of SESTRAN, with this Council having five members. Fife Council has three members and the other member Councils have two each. Votes will be weighted with this Council and Fife, Falkirk and West Lothian having an allocated weight of two and the other member Councils having a weight of one. This adjusted weighting takes account of the Council's expressed view that councils with larger populations should have greater voting strength.
- 8 In addition, there are between seven and nine non local authority members of SESTRAN and the nomination of these will, in the first instance, be a matter for the Scottish Ministers, although the Regional Transport Partnerships are likely to be invited to make appropriate nominations. Appendix 1 is the latest draft guidance on non-Councillor members. The voting rights of these members will be a matter for determination by the local authority members, although the non local authority members are precluded by the Act from voting on certain financial matters.
- 9 Bearing in mind the decision of the Council on 30 June on the principle of opposition representation, it is recommended that this Council's representation on the SESTRAN board should comprise three members from the Labour Group and one each from the Liberal Democrat and Conservative Groups.

TEL

- 10 The Articles of Association of TEL (Transport Edinburgh Ltd) provide for a Board of eight members. The Board currently comprises two Council members, one tie nominee and two from Lothian Buses, along with two independent, non-executive Directors. The Council's representative comprises one Labour Councillor (Councillor Andrew Burns). Two directorships are currently being held vacant and I recommend that these are filled by a representative of one of the opposition groups and by me, or my nominee.
- 11 Since its inception, TEL has been chaired by Councillor Burns. This was implemented as an interim measure until Royal Assent could be secured for the tram bills. Originally, it was anticipated that Royal Assent would be achieved by December but it now seems likely that this will not be achieved until the Spring of 2006.

- 12 Given the more extended timescales, Councillor Bums has intimated to me that it would be appropriate for the company to move now to appoint one of the private sector members of the Board to chair the company. I shall ensure that arrangements are put in place to facilitate this.

Financial implications

- 13 There are no financial implications arising from the recommendations in this report.


Recommendations

- 14 The Council is asked to approve:
- (i) the nomination of three members from the Labour Group and one each from the Liberal Democrat and Conservative Groups as its representatives on the Board of SESTRAN;
 - (ii) the replacement of one of the Labour members on the Board of tie with a member nominated by one of the opposition groups; and
 - (iii) the filling of the two vacant directorships on the Board of TEL by a nominee from one of the opposition groups and by me, or my nominee.



Tom Aitchison
Chief Executive

10/11/05

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| Appendices | Appendix 1 | Extract from draft Scottish Executive guidance on membership of Regional Transport Partnerships |
| Contact/tel | Tom Aitchison –  | |
| Wards affected | All | |
| Background Papers | | |

**EXTRACT FROM DRAFT SCOTTISH EXECUTIVE GUIDANCE ON MEMBERSHIP
OF REGIONAL TRANSPORT PARTNERSHIPS**

Who should be considered as a non-councillor member of a regional transport partnership?

42. The Establishment Order requires around a third of the membership of RTPs to be drawn from beyond the constituent councils. These other members should bring a range of benefits to the work of the RTPs, for example:
- Personal and/or operational expertise and demonstrable knowledge from working at a strategic level in business, the public sector or the voluntary sector;
 - Detachment from local politics;
 - Regional rather than local perspective;
 - Connection between the councillor members and the wider regional constituency;
 - Knowledge of the transport issues pertinent to a particular sector (business, healthcare, the environment etc)
43. The role of the other members is as important as that of the councillor members. An RTP that realises the potential of other members will benefit from a wider range of perspectives and from governance expertise gained in different organisational and operating environments.
44. Although other members will not initially have votes (this will depend on decisions by the councillor members), this should not lead to members being viewed as having first or second class status. As few decisions will go to a vote, other members should be fully involved in the achievement of consensus. Their contribution to discussion will be as valid as those of the councillor members.
45. Other members are primarily there to assist in the strategic work of the RTP, not to engage in representational activities.
46. RTPs should aim to avoid distinctions between councillor and other members wherever possible. Although unavoidable in legislation and this guidance, and likely to be difficult to avoid in the early stages as all RTP members get used to the new arrangements, in the longer-term all RTP members should focus on common goals and on their collective responsibility for drawing up and delivering a regional transport strategy.
47. In making their appointments, RTPs (and, in the first instance, the Scottish Ministers) should aim to achieve a mixture of other members to promote a range of perspectives around the table – e.g. they should not all be drawn from the business sector.

48. Scottish Ministers suggest/recommend that the following groups or organisations should be considered by RTPs for non-councillor membership:
- Health boards
 - Locals Enterprise Companies
 - Chambers of Commerce
 - Scottish Enterprise/Highlands and Islands Enterprise
 - Voluntary groups
 - Environmental groups
 - Community transport organisations
 - Business associations and interest groups
 - Freight interests
 - Tourist organisations; Visit Scotland
 - User groups
 - Academics
49. The full list of suggestions received in response to the October 2004 consultation paper is attached at Annex [B].
50. RTPs must guard against conflicts of interest. Arrangements for declarations of interest should be dealt with in Standing Orders. RTPs will also need to draw up a Code of Conduct for its members under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
51. The Ethical Standards in Public Life etc. (Scotland) Act 2000 established a framework to ensure that the highest standards of behaviour were maintained by local authority councillors and members (such as board members) of certain public bodies. It introduced Codes of Conduct which these councillors and members must comply with at all times in their duties. It established the Office of the Chief Investigating Officer to receive complaints by any member of the public about non-compliance of these Codes and the Chief Investigating Officer may choose to investigate these complaints. It also established the Standards Commission for Scotland to hold hearings into alleged breaches of the Codes and to issue guidance and dispensations to councillors and members.
52. More information on the Ethical Standards framework and Codes of Conduct are available on the Scottish Executive's website at:
- <http://www.scotland.gov.uk/Topics/Government/local-government/ethical-standards/intro>
53. Expert advisers potentially have a useful role to play in assisting the work of RTPs but should be called upon as and when required rather than being considered for membership. It is likely to be more appropriate to draw on their services in assisting the work of officers.
54. Engagement with transport operators will be essential to much of the work of the RTP. It is appropriate that this is done at officer level, or by offering observer status, or by inviting operators to attend RTP meeting as and when required, rather than by appointing them as non-Councillor members.

Diversity

55. RTPs will be expected to mainstream equal opportunities in their work by giving consideration to the impact on equality of opportunity when developing policy and making decisions. RTPs should also consider how they can attract other members from a range of groups.