

**TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP****14 MARCH 2017****DIRECTOR'S REPORT**

This report seeks delegation of authority to the Executive Committee to approve reports which require to be published under the Equality Act 2010; the approval of proposed responses to Scottish Government consultations on Gender Representation on Public Boards and proposed amendment to the Councillors Code of Conduct; updates the Partnership on staffing arrangements; and informs and updates Members on various operational, policy and other matters of interest and relevance to the Partnership.

**1 RECOMMENDATIONS****1.1 That the Partnership :-**

- (i) notes the Executive Committee's approval of the 2015/16 Annual Report for publication and submission to Ministers;
- (ii) agrees to delegate authority to the Executive Committee to consider and approve for publication an updated Mainstreaming Report and Equality Outcomes Report, as required under the Equalities Act 2010 (Specific Duties) (Scotland) Regulations;
- (iii) agrees to respond to the Scottish Government consultation on Draft Gender Representation on Public Boards (Scotland) Bill, as outlined in sections 2.13 – 2.20 of the report;
- (iv) agrees to respond to the Scottish Government consultation on amendments to the Councillors Code of Conduct, as outlined in sections 2.21 – 2.28 of the report; and
- (v) notes the various updates and other information provided in the report and accompanying appendices.

**2 DISCUSSION****2015/16 Annual Report**

- 2.1 At its meeting on 6 December 2016 the Partnership agreed to delegate authority to the Executive Committee to consider and approve the Partnership's 2015/16 Annual Report for publication and submission to Ministers (Report RTP/16/39 refers).

- 2.2 The Executive Committee has now approved the 2015/16 Annual Report. At the time of writing the document is with publishers for formatting in the “house style” adopted for the recently published RTS Refresh, RTS Delivery Plan and the previous year’s Annual Report, prior to formal submission to Ministers and publication on the Partnership’s website. The Draft 2015/16 Annual Report, as approved by the Executive Committee, can be viewed [here](#).

### **Public Sector Equalities Duties Reporting**

- 2.3 The Equality Act 2010 requires that designated public bodies, including RTPs, must publish biennially a Mainstreaming Report, setting out how the authority is using employee information to better perform its equality duty responsibilities, and an Equality Outcomes Report, setting out how the authority is taking steps to involve people who share a protected characteristic.
- 2.4 The first of these reports was published in April 2013 (Report RTP/13/11 refers) with updated reports published in April 2015 (Report RTP/15/13 refers). Public bodies are required to publish further updated reports for the period 2017 – 2021 by 30 April 2017.
- 2.5 At the time of writing, work is ongoing on the development of updated reports for publication by the statutory deadline. The Partnership is asked to agree to delegate authority to the Executive Committee to consider and approve the relevant Equalities reports for publication by 30 April 2017.

### **Meeting with Minister for Transport and the Islands**

- 2.6 At its meeting on 6 December 2016 the Partnership noted that, in response to an earlier invitation extended to the Minister for Transport and the Islands to meet with the Partnership on 6 December (Report RTP/16/33 refers), the Minister’s office had responded by inviting representatives of the Partnership to meet with the Minister at the Scottish Parliament.
- 2.7 Representatives of the Partnership had subsequently been invited to meet with the Minister for an hour on 16 January 2017 but this meeting was cancelled owing to illness. A revised date of 16 March has now been agreed for a similar one-hour meeting, at which it is proposed that the Partnership be represented by the Chair, Deputy Chair and the Director.
- 2.8 Matters to be discussed at the meeting include the Partnership’s recent review and updating of the RTS/Delivery Plan; review and updating of the National Transport Strategy (NTS) and Strategic Transport Projects Review (STPR) and regional priorities within that; the current Planning review and consultation; emerging City Deals and Tactran’s current and future role within these; Regional Transport Model requirements; and Tactran support for Scottish Government/Ministerial priorities in relation to Climate Change and Active Travel. A report on the meeting will be submitted to the Partnership’s next meeting on 13 June 2017.

## **RTP Chairs Forum**

- 2.9 The RTP Chairs Forum last met in Boddam, Aberdeenshire on 7 December 2016. The Minute of that meeting is attached at Appendix A for information.
- 2.10 The Chairs also held an informal Workshop on 26 January 2017, to consider various current issues of strategic interest including review of the NTS/STPR; Planning Review and current consultation; forthcoming Transport Bill; and responding to a Scottish Parliament Petitions Committee call for responses to a petition on bus regulation and to publication of the Draft Climate Change Plan (RPP3). A number of these matters are discussed elsewhere on the Partnership Board's own Agenda for 14 March.
- 2.11 The Chairs are meeting again in Edinburgh on 9 March 2017. This meeting will be attended by the Minister for Transport and the Islands when there will be further discussion on review of the NTS and STPR, the current Scottish Government consultation on Planning, the forthcoming Transport Bill, review of the National Performance Framework and the role of transport/connectivity and RTPs within that, and the Draft Climate Change Plan.
- 2.12 An oral update on the Chairs meeting on 9 March, which may also influence discussions at the subsequent meeting between Tactran representatives and the Minister on 16 March, will be given at the Partnership's meeting on 14 March.

## **Scottish Government Consultation on the Draft Gender Representation on Public Boards (Scotland) Bill**

- 2.13 The Scottish Government has recently published a consultation on the [Draft Gender Representation on Public Boards \(Scotland\) Bill](#). As members will recall, the publication of legislation on gender representation on public boards was a key Scottish Government commitment in the Programme for Government for 2016-17, as reported to the Partnership on 13 September 2016 (Report RTP/16/34 refers). Responses to the consultation are requested by 17 March 2017.
- 2.14 The Bill seeks to require positive action to redress the current gender imbalance on many public sector boards. The general objective of the Bill is that each designated public board should be made up of 50% non-executive members who are female or who identify as female, and 50% of non-executive members who are male or identify as male.
- 2.15 The Bill must sit within the fundamental principles of EU law on equalities. Key principles which the Bill must take account of are that :-
- positive action measures can only be used to appoint on the grounds of gender where candidates are judged to be of equal merit; and
  - measures cannot give automatic and unconditional priority to female candidates over male candidates or vice-versa.

- 2.16 Only bodies that are “Scottish public authorities with mixed functions or non-reserved functions” are covered by the Bill and only non-executive member appointees to public boards are covered. The proposal does not apply to Councillor appointees to public boards.
- 2.17 Schedule 1 of the Bill, which lists those public authorities it is proposed the Bill would apply to, does not currently include RTPs. In discussion between RTPs and the Equalities Unit of Scottish Government it has been confirmed that this does not preclude the inclusion of RTPs within Schedule 1 and views have been invited on that.
- 2.18 Under the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) (Order) 2005, the Partnership is required to appoint 4 or 5 non-Councillor (“other”) members. The Partnership has previously agreed to appoint the maximum number permitted by legislation. The Bill specifies that, in the event of an uneven number of non-executive members on a specified public board, the relevant number for gender balance purposes would be rounded down – i.e. in the case of Tactran 4, meaning a minimum of 2 female and 2 male appointments.
- 2.19 It is understood that a number of RTPs are of the view that RTPs should be covered by the proposed legislation, in keeping with the spirit of other Equalities legislation, duties and obligations which apply to RTPs under the Equalities Act 2010, as discussed earlier in this report.
- 2.20 It is proposed that the Partnership responds to the consultation supporting the aims and objectives of the Bill and requesting that Tactran is included as a listed public body within Schedule 1 of the Bill.

### **Consultation on The Councillor’s Code of Conduct**

- 2.21 At its meeting on 8 March 2016 the Partnership noted that a consultation would be forthcoming on possible amendments to the Councillors’ Code of Conduct, following concerns having been raised with the Standards Commission and Scottish Government by Nestrans, in relation to the ability of their Councillor members to participate in discussion and decision-making on major planning applications which have strategic transport implications (Report RTP/16/15 refers).
- 2.22 The Scottish Government issued [The Councillors Code of Conduct : Consultation](#) on Possible Amendment of Provisions on Conflicts of Interest in late December 2016. Responses to the consultation are invited by 20 March 2017.
- 2.23 As members are aware, the Councillors Code of Conduct requires that a Councillor should declare an interest in a matter and not take part in discussion or decision-making by their Council of that matter where a member of the public, knowing of the interest, would reasonably regard the interest as so significant that it is likely to prejudice the Councillor’s discussion or decision-making (the “objective test”). The Code also includes provisions

relating to declarations of interests and for Councillors not having to withdraw from Council discussions or voting on a matter where a specific general exclusion applies. These exclusions do not apply in respect of any matter of a quasi-judicial or regulatory nature where the body in question is applying for a licence or consent for approval, such as planning consent.

- 2.24 Nestrans had applied to the Standards Commission for a dispensation for RTP members who are Councillors to be able to take part in their Council's consideration of matters of a quasi-judicial or regulatory nature in which the RTP has an interest. The Commission decided that it could not grant this dispensation as it would not accord with the current Code. The consultation confirms that the Standards Commission cannot legally grant the requested dispensation, which can only be addressed by amendment to the relevant terms of the Code.
- 2.25 The consultation refers to the example of Nestrans and the concerns which had been raised that :- (i) the current arrangements may adversely affect the ability of partnerships, such as RTPs, to influence or inform decisions on important strategic issues such as major planning applications with potential transport implications, and (ii) the current arrangements might act as a disincentive to Councillor members wishing to serve on external body boards if they are faced with having to choose between being members of an outside body or retaining the ability to speak and decide on affected matters within their Council.
- 2.26 The proposal is to amend the Councillors' Code of Conduct so that Councillors who are appointed as members of an outside body would not be prevented from taking part in their Council's discussion of a matter of a quasi-judicial or regulatory nature in which that outside body has an interest solely because of their membership of that body. It is suggested that this be done by extending the current exclusion for Councillor members of a public body to include quasi-judicial or regulatory matters in which that body has an interest, enabling Councillor members of a public body to take part in their Council's consideration and decision-taking on such matters, although they would still need to declare an interest as a member of the public body.
- 2.27 It is considered that the proposed amendment to the Code, enabling Councillor members of an RTP to declare an interest and take part in discussion and decision-making on relevant matters, such as major planning applications which have strategic transport implications, is helpful in terms of enabling Tactran, its members, and RTPs generally, to fulfil their statutory role and function in relation to integration of strategic land use and transport policy and planning and contributing to the delivery of the aims and objectives of the statutory Regional Transport Strategy. It is, therefore, proposed that the Partnership supports the proposed revision to the Councillor's Code of Conduct, as outlined in paragraph 2.26 above.

- 2.28 The consultation also seeks view on whether this proposed extension of the Code should apply to all public bodies or just to RTPs. It is considered that extension to other public bodies is a matter for the bodies concerned and proposed that no comment be made on this.

### **Partnership Staffing**

- 2.29 At its previous meetings on 8 March, 14 June, 13 September and 6 December 2016, the Partnership has approved various revisions to its staffing and management arrangements in response to planned and unplanned staff turnover, and having regard to other influences including emerging City Deals, review of the National Transport Strategy (NTS) etc. (Reports RTP/P1/16; RTP/P2/16 and RTP/P3/16 refer).
- 2.30 As discussed in a separate report to this meeting, the Tay Cities Deal includes proposals for a new approach to regional governance and transport planning and a suggested transfer of statutory duties which are currently undertaken by Tactran. In order to take account of the evolving situation and enable discussions on the implications of these proposals with City Deal promoters, partner Councils, Transport Scotland and other relevant stakeholders, a temporary pause has been put on progressing appointment to the existing vacancies of Senior Strategy Officer and Strategy Officer, as previously approved by the Partnership, and on arrangements for replacing the Partnership Director upon his retirement. At its meeting on 6 December 2016 the Partnership agreed to extend the Director's period of Flexible Retirement beyond 31 March 2017.
- 2.31 It is appropriate and sensible to defer taking further action on filling current vacancies for a short period of time, pending further discussion on and clarification of the implications of the Tay Cities Deal and other ongoing issues such as review of the NTS. However, the current resource position is not sustainable moving forward, having regard to the core workload of the Partnership, including development and delivery of the RTS and the Partnership's other statutory duties in relation to contributing to Community Planning and Development Planning, and also supporting work on City Deals, inputting to the ongoing review of NTS and STPR, etc.
- 2.32 Discussions will be sought with partner Councils over the next few weeks on the most appropriate means of addressing the Partnership's own resource needs and requirements in the short and longer term, whilst having regard to the evolving position in relation to City Deals and other relevant matters/developments. Subject to the outcome of these discussions, the intention is to progress arrangements for filling the vacant positions of Senior Strategy Officer and Strategy Officer as soon as possible, and to report to the next Partnership meeting on 13 June 2017 on proposals for addressing the position with regard to the post of Partnership Director moving forward.

### **3 CONSULTATIONS**

- 3.1 Elements of the report have been the subject of consultation with Proper Officers and other officers, as appropriate. The proposed responses to consultations on Gender Balance on Public Boards and the Councillors Code of Conduct have been developed in consultation with other Regional Transport Partnerships.

### **4 RESOURCE IMPLICATIONS**

- 4.1 This report has no additional financial or other direct resource implications.

### **5 EQUALITIES IMPLICATIONS**

- 5.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

**Eric Guthrie**  
**Director**

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### **NOTE**

The following papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing this Report :-

Scottish Government Consultation : The Councillors Code of Conduct - Consultation on Possible Amendments of Provisions on Conflicts of Interest (December 2016)

Scottish Government Consultation on the Draft Gender Representation on Public Boards (Scotland) Bill (January 2017)



**Regional Transport Partnerships**

**Chairs Meeting**

**Buchan Braes Hotel, Boddam, Aberdeenshire**

Minute of Meeting held in Boddam on Wednesday 7<sup>th</sup> December 2016 at 9.30am.

**Present:** Cllr Ramsay Milne, Nestrans (Chair)  
Cllr Michael Stout, ZetTrans  
Cllr James Stockan, HITRANS  
Cllr Will Dawson, TACTRAN  
Cllr Lesley Hinds, Sestrans  
Cllr Tom McAughtrie, Swestrans

**In Attendance:** Mrs Joanne Gray, Transport Scotland  
Mr Ewen Milligan, Transport Scotland  
Mr Ranald Robertson, HITRANS  
Mr Bruce Kiloh, SPT  
Mr George Eckton, Sestrans  
Mr Douglas Kirkpatrick, Swestrans  
Mr Michael Craigie, ZetTrans  
Mr Derick Murray, Nestrans

**Apologies:** Cllr Jonathan Findlay, SPT  
Cllr Stephen Hagan, COSLA  
Mr Eric Stewart, SPT  
Mr Eric Guthrie, Tactran  
Mr Robert Nicol, COSLA.

**1 Welcome and Apologies**

Cllr Milne welcomed everyone to Boddam for the RTP Chairs meeting and noted the apologies above.

**2 Presentation by Iain Laidlaw, Chief Executive of Peterhead Port Authority.**

Mr Laidlaw gave an informative presentation on Peterhead Harbour and the Peterhead Port Authority. After questions, the Chair thanked Mr Laidlaw for his presentation.

**The Chair and Mr Murray at this juncture then tabled a variation to the Agenda requesting that this be adopted as the Agenda for the meeting. The Chairs agreed to this change and the new Agenda was circulated in hard copy.**

**3 Minute of RTP Chairs Meeting on 14 September 2016**

The Minute was agreed as an accurate account of the meeting. Matters arising would be covered elsewhere on the agenda.

#### **4 Discussion on Current Issues**

##### **a) Option to hold a one day workshop**

The Chairs agreed to hold a one day workshop in January 2017, location to be determined but potentially Edinburgh to discuss the NTS, Transport Bill, Planning Review and other significant issues. The workshop would also provide the input to a letter to the Transport Minister following up from the RTPs recent meeting with him at the Scottish Parliament.

**RTP Lead officers to liaise and arrange the workshop. Agreed that each RTP would lead on an agenda item for the workshop.**

**RTP Lead officers to draft note of recent meeting with Transport Minister and Planning Minister.**

**RTP Lead officers, after workshop, to draft letter for sending to Transport Minister on key issues.**

##### **b) Meeting with the Ministers – Outcomes / Next Steps**

Noted that Minister would like to attend at RTP Chairs meetings twice a year.

**RTP Secretariat to issue invitation to Minister for future Chairs meetings.**

Mr Milligan noted that regarding the Transport Bill, an issue they had identified was the current lack of facility for RTPs to carry reserves into future years.

Regarding transport governance, Mr Milligan indicated that the Minister was thinking about reviewing the accountability of RTPs.

**The Chairs agreed to consider this at the proposed workshop in January.**

##### **c) ScotRail Public Sector Bidder**

**The Chairs agreed that this be considered at the proposed workshop in January.**

This proposal can happen due to the new Scotland Act and the Minister had indicated that options were being considered for how to take this forward. Next opportunity for a bid may be 2020 when there is the potential for a break in the ScotRail franchise contract.

##### **d) NTS**

**The Chairs agreed that the agenda for the Cities Alliance on the NTS could be considered for the proposed workshop in January.**

##### **e) Transport Bill**

**The Chairs agreed that this be considered as part of proposed workshop in January**

##### **f) Planning Review**

**The Chairs agreed that this be considered as part of proposed workshop in January.**

Noted apparent lack of momentum of the Roads Collaboration programme.

**g) City Deals/Growth Deals**

Each RTP gave brief update on the relevant ones for their areas.

**5. Modal Updates**

**(i) Active Travel**

No Update

**(ii) Bus**

Mr Kiloh highlighted progress on Strathclyde Bus Alliance proposal and that the document would be circulated to RTPs in due course.

**SPT to circulate SBA proposal document once complete.**

Next Bus Stakeholders Group to be arranged for early 2017.

**(iii) Ferries**

Mr Craigie and Mr Robertson gave brief update on Northern Ferries contract.

**(iv) Rail**

Update given on ECMA – recent event in London went well, although concerns raised over future of ECMA as some English authorities had apparently pulled out and there were also concerns over organisational arrangements. Cllr Dawson suggested that the 4 funding RTPs should agree a position on issues arising from how the group is operating and future funding ahead of the next ECMA meeting on 20 February and this was agreed. The Chairs also agreed to a joint RTP response to the TS Rail Infrastructure Strategy, responses due in February 2017.

**ECMA partner RTPs to discuss/agree position on future involvement and funding ahead of ECMA Consortium meeting on 20 February 2017.**

**RTP Lead officers to liaise and prepare joint response to Rail Infrastructure Strategy.**

**(v) Air**

Mr Murray noted the UK Government's recent announcement on the third runway for Heathrow. Mr Robertson noted the importance of good connections to Heathrow and that the new Inverness – Heathrow service had made a very strong start.

**6. Dates of Future Meetings**

The Chairs agreed to these subject to the 6 September meeting being moved to late August, and the June meeting being cancelled due to local council elections.

**RTP Secretariat to circulate updated list of dates of future Chairs meetings. Next meeting - 8 March 2017 hosted by Sestran.**

**7. AOB**

Mr Milligan also noted regarding the RTP members voting issue, the Planning Minister had indicated that a consultation on this would be issued soon.