

**TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP****14 MARCH 2017****CITY DEALS****REPORT BY DIRECTOR**

This report updates the Partnership on developments with the Tay Cities Deal and asks the Partnership to remit the Director to progress discussions with partner Councils, City Deal promoters and Transport Scotland on the future implications of proposals contained in the Tay Cities Deal and to report back to the next meeting.

**1 RECOMMENDATIONS**

1.1 That the Partnership :-

- (i) notes, considers and comments on the developments and potential implications of the Tay Cities Deal, as outlined in the report; and
- (ii) remits the Director to progress discussions with partner Councils, City Deal promoters and Transport Scotland on the issues raised and to report back to the next meeting of the Partnership.

**2 BACKGROUND**

- 2.1 At its meetings throughout 2016 the Partnership has received various presentations and updates on the emerging City Deals for the Tay Cities region and for Stirling. Officers have been involved in and have supported the development of the Connected Tay and Empowered Tay elements of the Tay Cities Deal and a related Regional Economic Strategy.
- 2.2 The Tay Cities Deal and accompanying Regional Economic strategy was publicly launched on 3 February 2017. The published City Deal was forwarded to all Partnership Board members on 3 February for information and advising of specific proposals contained within the City Deal which seek transfer of Partnership duties to the proposed Tay Cities Joint Committee.
- 2.3 Following publication, the Tay Cities Deal has been approved by its 4 partner authorities, Angus Council, Dundee City Council, Perth & Kinross Council and Fife Council at meetings during February. The finalised City Deal was formally submitted to the Scottish and UK Governments on 1 March 2017 and can be viewed in the Members area of the [website](#). A presentation on the Tay Cities Deal will be made to the Partnership meeting on 14 March 2017.

### 3 DISCUSSION

- 3.1 The Tay Cities Deal (TCD) includes a number of proposals under its various strands which have been informed by the Regional Transport Strategy and have been developed with input by Tactran officers. Officers have contributed to the development of the Connected Tay elements of the City Deal and supporting Strategic Outline Cases for various strategic connectivity proposals included within the TCD.
- 3.2 The Director has been involved in preliminary discussions on the Empowered Tay aspect of the TCD. However, to date, there has been no formal consultation with the Partnership or opportunity for the Partnership to consider the implications of “asks” and “offers” contained within the published TCD which would directly affect the future status, role and purpose of the Partnership.
- 3.3 As outlined in the communication to Board members on 3 February 2017, the Empowered Tay proposals contain a specific “ask” that relevant statutory duties as established by the Transport (Scotland) Act 2005 and in the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) (Order) 2005 are transferred from Tactran to the proposed Tay Cities Joint Committee, as set out in the Appendix.
- 3.4 The general “direction of travel” underpinning the TCD proposal to Government, seeking greater integration of regional economic development, transport planning and spatial/development planning, is supported in principle. However, the “ask” of the transfer of duties clearly raises a number of substantive issues and questions which will require formal consideration, agreement and approval by the Partnership, its 4 partner Councils, Transport Scotland and, potentially, other stakeholders prior to seeking the necessary approvals by Scottish Ministers if the proposals for a new approach to city regional governance, as proposed in the TCD, are to be implemented.

#### Transport (Scotland) Act 2005 Duties

- 3.5 The TCD asks that Tactran’s statutory duties, as set out in the Transport (Scotland) Act 2005 (the Act) for the Angus, Dundee City and Perth & Kinross areas are transferred to the proposed Tay Cities Joint Committee. The “ask” excludes North East Fife, which would remain within SEStran.
- 3.6 Tactran’s principal duty under the Act is to draw up, review, modify and renew the statutory Regional Transport Strategy (RTS) and to oversee and report on implementation of the RTS, in accordance with requirements set out in the Act and related Guidance. The Regional Transport Strategy 2015 – 2036 Refresh, as approved by Ministers in July 2015, is the current statutory RTS for the Angus, Dundee City, Perth & Kinross and Stirling Council areas.

- 3.7 Under the Act all 32 Councils in Scotland are required to be members of a Regional Transport Partnership. In the event of the TCD proposal being implemented the status and position of Tactran and its 4 constituent Councils, having regard to the duty placed on Ministers under Section 1 of the Act to create RTPs covering every part of Scotland, will require to be considered and determined.
- 3.8 Section 2 of the Act contains provision for Scottish Ministers to dissolve an RTP by Order, after consultation with the RTP concerned, its constituent Councils, and any other persons Ministers think fit. On dissolving a Partnership Ministers may transfer, by Order, any function of a Partnership to be carried out by “the person who carried it out immediately before”. Section 10 of the Act lists various local authority and other transport functions which may be transferred to be carried by or concurrently with an RTP. Section 11 of the Act allows Ministers to return functions of an RTP to the person that previously undertook the function. Since Tactran’s inception in December 2005 no such transfer of duties to the RTP has taken place. The Partnership’s own principal duties under the Act, relating to the RTS, were not previously undertaken by any other “person” or organisation.
- 3.9 The TCD proposal is seeking a transfer of duties from a statutory body corporate to a non-statutory Joint Committee which is yet to be established. The Act, as originally drafted, anticipated a different trajectory for RTPs, envisaging that the likes of Tactran would progress from “Model 1” to “Model 3” Partnerships. Consequently the Act appears to make no specific provision for such a transfer of duties.

#### Establishment, Constitution and Membership

- 3.10 The TCD also asks that the duties under the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) (Order) 2005 (the Order) are transferred to the proposed Tay Cities Joint Committee.
- 3.11 Schedule 1 of the Order specifies that Angus Council, Dundee City Council, Perth & Kinross Council and Stirling Council will be members of the originally named Central and Tay RTP (subsequently renamed Tactran), and also specifies the number of Councillor members and non-Councillor (“Other”) members to be appointed to the Partnership. Schedule 2 of the Order sets out the Constitution and Membership of RTPs, providing for the appointment of members, voting arrangements, appointment of Chairpersons and Deputy Chairpersons, appointment of a Secretary, provisions relating to the operation of Partnership meetings and allows the establishment of committees and sub-committees.
- 3.12 As with the suggested transfer of duties under the Act, consideration will require to be given to the future status and role of existing Councillor and non-Councillor member appointments required under the Order, and the other constitutional arrangements specified in the Order, under the proposed Joint Committee arrangement.

### Partnership Staffing and Resources

- 3.13 In its capacity as a statutory body corporate the Partnership employs a full-time establishment of 6 staff to support fulfilment of Tactran's statutory duties under the Act and various other statutory public body duties and responsibilities. Staff operate from leased office premises which are the subject of a renewed 6-year lease running from November 2015.
- 3.14 The TCD "offer" in relation to a new approach to transport planning proposes the creation of a single transport planning team bringing together the staff and expertise of Tactran and the 3 Tayside local authorities, including creation of a single public transport team, the principles of which are supported. However, consideration will require to be given to the future employment status and protection of staff employed by the Partnership in the event of Tactran's core duties under the Act and Order being transferred to a non-statutory Joint Committee.

### Funding

- 3.15 The Partnership is funded by Scottish Government Grant in Aid (84%) and partner Council requisitions (16%). Scottish Government Grant-in-Aid is allocated to RTPs under a distributional arrangement introduced in 2005/06. As has been reported previously, the current allocation of Grant-in-Aid funding disadvantages Tactran relative to other similar RTPs. The suggested transfer of duties for 3 of Tactran's 4 constituent Councils, and any associated disaggregation of current Grant-in-Aid funding, will require consideration and agreement having regard to the future needs of all 4 of Tactran's current constituent Councils.

### Other Statutory RTP Duties

- 3.16 The City Deal seeks transfer of the Partnership's duties under the 2005 Act and Order. As members are aware, RTPs are subject to a range of other statutory duties prescribed by various pieces of primary and other legislation, including :-
- Community Planning under the Community Empowerment (Scotland) Act 2015;
  - Climate Change public sector body duties under the Climate Change (Scotland) Act 2009;
  - Development Planning Key Agency role in relation Strategic and Local Development Planning;
  - Equalities duties as a designated public sector body under the Equality Act 2010 and associated regulations; and
  - Public Sector Reform Act duties on performance and reporting.
- 3.17 Consideration will require to be given to future roles and responsibilities in relation to these and any other relevant statutory public sector body duties should the suggested transfer of duties from Tactran to the proposed Tay Cities Joint Committee be implemented.

## Summary

- 3.18 As outlined above, there a number of governance, resourcing and operational matters which will require to be considered in detail should the suggested transfer of duties, as set out in the TCD proposals for an Empowered Tay, be progressed and implemented. These matters will require to be the subject of formal consultation, agreement and approval by relevant stakeholders, including Tactran and its 4 constituent Councils, and in accordance with the requirements set out in the relevant legislation.
- 3.19 At present there is no specified or proposed timescale for implementation of the TCD Empowered Tay proposals. It is likely that these issues will take some months to progress once agreement on the final scope and content of the City Deal has been reached between the Scottish and UK Governments and the TCD partners. At this stage it is not known whether the Scottish Government or Transport Scotland will wish to seek the Partnership's views on the proposals before potentially agreeing to the "offers" and "asks" contained within the TCD submission.
- 3.20 The Partnership is asked to note, and to consider and comment on, the issues outlined in the report, and to remit the Director to progress discussions with partner Councils, City Deal promoters and Transport Scotland on the issues raised and report back on further developments to the next meeting of the Partnership on 13 June 2017.

## **4 CONSULTATIONS**

- 4.1 This report has been prepared in consultation with Proper Officers, the Chief Officers Liaison Group and the Tay Cities Deal Management Group.

## **5 RESOURCE IMPLICATIONS**

- 5.1 This report has no direct resource implications.

## **6 EQUALITIES IMPLICATIONS**

- 6.1 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**

For further information email [ericguthrie@tactran.gov.uk](mailto:ericguthrie@tactran.gov.uk) or telephone 01738 475771.

## **NOTE**

The following background 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 the above Report.

The Tay Cities Deal Proposal : February 2017

The Transport (Scotland) Act 2005 and related Guidance

The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005

# The Proposed Deal for an Empowered Tay

## Delivering our Strategy, Ensuring Accountability

We are clear that to achieve our ambition we need to ensure we have sufficient resources and the right fiscal and non-fiscal powers with which to effect change. Some of these levers will be unique to the Tay Cities Region but others will be common to all of Scotland’s city regions. Empowering Scotland’s Cities, published by the Scottish Cities Alliance in June 2016, sets out the wider ambition of the Alliance.

We would like to maintain a dialogue with the Scottish and UK Governments and work in partnership to encourage innovation in policy development and public service delivery across our region and agree how this is best achieved using existing and new powers and responsibilities.

This document sets out what we believe is more immediately required across the local authority areas of Angus, Dundee, Fife and Perth & Kinross.

As elsewhere in this Proposal, these are expressed as a series of offers to both the Scottish and UK Governments and a series of asks of both Governments.

### 1. A new approach to city regional governance

Offers	Asks
<p>Establishment of a single Joint Committee to manage the principal levers of economic growth across local government boundaries. It is proposed that the Tay Cities Joint Committee will be responsible for:</p> <ul style="list-style-type: none"> <li>• Regional Economic Development</li> <li>• Cross-boundary Strategic Planning</li> <li>• Regional Transport Planning and delivery (including Public Transport) in Angus, Dundee and Perth &amp; Kinross liaising with the South East Scotland Transport Partnership which covers North East Fife</li> </ul> <p>These changes will create greater accountability and transparency across local government boundaries and involve key stakeholders in decision making.</p> <p>A new Regional Business Forum comprising senior business leaders from across the area has been formed. In time the Business Forum may replace the Scottish Enterprise Regional Advisory Board which also included public sector members. The Regional Business Forum will be represented on the Tay Cities Joint Committee.</p> <p>A new Higher/Further Education Forum comprising university and college Principals has been formed. The HE/FE Forum will be represented on the Tay Cities Joint Committee.</p> <p>It is also proposed that the voluntary sector will be represented on the Tay Cities Joint Committee.</p>	<p>The transfer of the relevant statutory duties as established by the Transport (Scotland) Act 2005 and set out in the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) (Order) 2005 from the Tayside and Central Scotland Transport Partnership to the proposed Tay Cities Joint Committee.</p> <p>Agreement that the statutory requirement to prepare a Strategic Development Plan, as established by the Planning (Scotland) act 2006, can be undertaken by the proposed Tay Cities Joint Committee rather than the bespoke TAYPlan Joint Committee.</p> <p>This statutory requirement will be reviewed to take account of the outcome of the Planning Review and the Scottish Government is asked to note our desire to retain a form of strategic planning at city region level.</p>



## 2. A new approach to transport planning

Offers	Asks
<p>We propose creating a single transport planning team bringing together the staff and expertise of the Regional Transport Partnership (TACTRAN) and the 3 Tayside local authorities, working closely with colleagues in Fife Council.</p> <p>It is anticipated that this proposal will result in a stronger partnership that delivers better inter-regional and international connectivity. We will also commit to working more effectively with Transport Scotland with a single voice that represents the entire region, sharing information and agreeing how to make best use of resources to deliver transport projects more efficiently.</p> <p>To radically improve intra-regional and inter-regional connectivity, particularly workforce mobility, we propose to create a single public transport team across the 3 Tayside Councils, working closely with colleagues in Fife Council and other neighbouring authorities.</p>	<p>Support by Transport Scotland for the delivery of the Tay Cities Regional Economic Strategy and Tay Cities Deal through closer collaboration around transport policy, investment and prioritisation. This will require Transport Scotland to support the rationale for investment set out in the Regional Economic Strategy and Regional Transport Strategy, and discuss and agree with us how best to deliver it.</p> <p>Recognition by Transport Scotland that the Tay Cities Deal represents an opportunity for collaboration to agree new strategic priorities that help grow the economy.</p> <p>A commitment to work closely with the Tay Cities transport planning team to ensure that the Scottish Transport Appraisal Guidance (STAG) methodology can be used in a more flexible, transparent manner that recognises the particular social and economic challenges of this region.</p>