

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**18 DECEMBER 2018****DIRECTOR'S REPORT**

This report provides updates on the appraisal of non-Council Members; timescale for the NTS Review; activity and engagement through the RTP Chairs Forum; the collective RTP's response to the Local Governance Review; adoption of the Scottish Information Commissioner's Model Publication Scheme; the Scottish Open Government Action Plan and other matters of interest and relevance to the Partnership.

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

- (i) notes the holding of the appraisals of the non-Council Members David Scotney and Trudy Craggs and that the positive outcomes of the appraisals have been submitted to Scottish Ministers;
- (ii) notes the extension to timescale for consultation on the NTS Review.
- (iii) notes the activity and discussions of the RTP Chairs Forum that met on 5 December 2018;
- (iv) notes the collective RTP response to the joint Scottish Government and COSLA promoted Local Governance Review;
- (v) notes the publication of the revised version of the Model Publication Scheme, agrees to adopt it and to select the date of this Board meeting as the 'last updated' date on the Partnership's web site;
- (vi) notes the publication of the Scottish Open Government Action Plan 2018-20 and the intention to abide by the commitments made in it.

2 NON COUNCILLOR MEMBERS APPRAISAL

- 2.1 The membership of the Partnership is prescribed within the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005, which requires that either 4 or 5 non-Councillor members are appointed. At its meeting on 25 September, due to lack of nominations for the vacant position, the Partnership agreed to retain the existing appointment of 4 non-Councillor Members.

- 2.2 Non Councillor members were originally appointed by Scottish Ministers during 2006 and 2007 for initial 2-year terms. Legislation provides for subsequent non-Councillor appointments to be made by the Partnership, subject to formal endorsement by Scottish Ministers. There is no limit to the number of times that a non-Councillor member can be appointed or to the number of years he or she can serve. The Partnership has generally made non-Councillor appointments for an initial period of 2 years, with further 2-year extensions subject to agreement by the Partnership Board. At its meeting on 26 June, the Partnership agreed to extend the appointments of David Scotney and Trudi Craggs until 30 September 2020 subject to the submission of successful appraisals in accordance with the Order.
- 2.3 I am pleased to report that the appraisals for David Scotney and Trudi Craggs were undertaken with the Chair of the Partnership on 11 October 2018 and 19 November 2018 respectively. The outcomes of the appraisal were predictably positive and the outcomes of the appraisals have now been submitted to Scottish Ministers for approval.

3 TIMESCALE FOR NATIONAL TRANSPORT STRATEGY

- 3.1 While the work on policy development has been progressing at pace, the Review Board which met on 7 November agreed that the current timescales for consultation in early 2019 is too tight and does not allow for further dialogue with the stakeholders in advance of the wider consultation. It was, therefore, agreed that the wider consultation will now be delayed until mid-2019, with a period of further stakeholder engagement in spring 2019. The final document will be produced in November/December 2019.
- 3.2 This extension to the timescale will allow for the regional testing of NTS policy proposals, to link into the proposed regional and national approach to the Strategic Transport Project Review and ensure that it is aligned with the National Planning Framework.

4 FORUM OF CHAIRS OF REGIONAL TRANSPORT PARTNERSHIPS

- 4.1 The RTP Chairs Forum met recently in Aberdeen on 5 December 2018 and the main items of discussion are detailed below. The Minute of that meeting will be reported for information once approved and available. The Minute of the previous meeting, held in Shetland on 5 September 2018, is available for information in the Members area of the Tactran website.

- National Transport Strategy Review
- STPR (Strategic Transport Project Review)
- Local Governance Review
- Active Travel Funding Update
- Consultation Responses
- Social Media Presence
- Scottish Islands Passport Update

5 LOCAL GOVERNANCE REVIEW

5.1 At its previous meeting on 5 September the RTP Chairs Forum was advised of the opportunity to submit a written response to the Local Governance Review by the closing date of 14 December. The Scottish Government and COSLA have jointly launched a Local Governance Review, in concert with the Community Sector, which is intended to ensure local communities have more say about how public services in their area are run.

5.2 For the first time, this Review will look at the changes that are needed across all public services, and local and national Government, to give communities more say in decisions that impact on them. The aspiration of the Review is to get it right and the prize is better and more equal communities in every part of Scotland.

5.3 There are two strands to the consultation:

Strand 1: Community decision making

The Review invites people to join a conversation about community decision making, called Democracy Matters. The conversation will take place over a period of six months, ending around November 2018. The outcome will help to inform new legislation.

People can get involved by answering the questions contained in the consultation document: [Democracy Matters - Your Community. Your Ideas. Your Future](#) or by [joining the conversation online](#). The consultation document includes downloads of the following supporting materials:

- overview of how decisions about Scotland's public services are made
- guide to help you hold a conversation in your community
- guide to facilitating a good conversation

Strand 2: Public service governance

At the same time, the Review will be working with our public sector partners, such as local councils, to consider if increasing the powers they hold could improve outcomes for people.

5.4 Community Planning Partnerships have been encouraged to participate in the Review and a joint letter has been sent to 'Public Sector Leaders' by Angela Constance MSP, Cabinet Secretary, John Swinney MSP, Deputy First Minister and Cllr Alison Evison, President of COSLA. The letter invites written proposals and evidence to be submitted by 14 December and can be viewed here: <https://www.gov.scot/publications/local-governance-review-letter-22-june-2018/>

- 5.5 A draft collective RTP response has been developed and is attached as Appendix A to the report. It is based on the principles outlined in previous letters to Ministers and consultation responses concerning the roles of RTP's and the importance of the public sector working together:
- Effective integration of planning and transport is essential for Scotland's future sustainable economic growth and delivery;
 - The need to build on the success of the current system, bringing together Councils with a joint interest in a defined region to define statutory planning and transport objectives;
 - The emerging consensus that regional partnerships across the economic, planning and transport fields offer the best arrangement for a strong, democratic and sustainable future for Scotland.
- 5.6 Unfortunately, the date for submission of responses did not allow consideration of the RTP response prior to submission, however, the Partnership is invited to endorse the collective RTP response to the consultation.

6 MODEL PUBLICATION SCHEME

- 6.1 The Partnership has been advised by the Scottish Information Commissioner of the publication of 2018 edition of the Model Publication Scheme. As a public authority covered by the Freedom of Information (Scotland) Act 2002 (FOISA) which has adopted the Model Publication Scheme, Tactran must ensure that its own Guide to Information complies with the new version, in order to ensure that the Partnership continues to meet its duties under Section 23(1) of FOISA.

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/TheModelPublicationScheme.aspx>

- 6.2 There is one substantive change to the Model Publication this year:
- A requirement to include a 'last updated' date on the Guide to Information - this will help people to know the Guide contains up to date information and links and will enable monitoring of its currency.
- 6.3 The Partnership is recommended to adopt the new version of the Model Publication Scheme and to select the date of this Board meeting as the 'last updated' date on the Partnership's web site.

7 OPEN GOVERNMENT ACTION PLAN

7.1 In recent months Tactran has been actively engaged in the consultation and development process for Scotland's Second Action Plan on Open Government. The Action Plan contains commitments on improvements to openness, transparency, involving people, and accountability of public services. This has been produced in partnership by the Scottish Government and the Scottish Open Government Network, to which Tactran is subscribed. The Action Plan has now been published and can be viewed here:

[Scotland's Open Government Action Plan 2018-20 - Action Plan and summaries - 5 Dec 2018 - final.pdf](#)

7.2 The five commitments from the Open Government Action Plan for 2018-2020 are detailed below and in conducting its business the Partnership will seek to abide by these commitments:

1. Financial and Performance Transparency
2. Providing a framework to support systemic change in Scottish Government to improve the way people are able to participate in open policy-making and service delivery
3. Improvements to the way information and data are used
4. Improving the accountability of public services – the citizen's journey
5. Transparency and participation in Scotland as the UK exits the European Union

8 CONSULTATIONS

8.1 Elements of the report have been the subject of consultation with partner Councils, other RTPs, Transport Scotland, City Deal and other partners/stakeholders, as appropriate.

9 RESOURCE IMPLICATIONS

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

10 EQUALITIES IMPLICATIONS

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

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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.

Report to Partnership RTP/18/16 Appointment of Non-Councillor Members, 26 June 2018

Report to Partnership RTP/18/38 Director's Report, 25 September 2018

Local Governance Review – RTPs Response

There are three areas in which the Regional Transport Partnerships (RTPs) wish to make a contribution:

1. Community Planning and Participatory Budgeting

It is the stated aim of the Local Governance Review to review how powers, responsibilities and resources are shared across national and local spheres of government and with communities in the context of significant change to the governance of Scotland over the last two decades, and in recognition that outcomes for citizens and communities are best when decisions are taken at the right level of place.

The RTPs across Scotland have a duty to contribute to Community Planning and participate at both the strategic and locality levels. It is clear from the recent and ongoing refresh of Community Plans (Local Outcome Improvement Plans) that connectivity is a key priority for local communities and an enabler for inclusive growth as well as providing access to jobs, services, education and amenities.

The RTP's are active and significant actors in the community planning process and the specialist knowledge that we bring is an important contribution to the wider place making agenda. The RTPs believe that a higher quality and richness of debate could be brought to bear if a more consistent approach is taken to commissioning local transport schemes along with adequate funding streams, particularly in the field of Active Travel.

In that context, it is the considered view of the RTPs that the current methodology of applying significant sums of public funding via arms-length charities confuses the commissioning process and the competitive nature in which these funds are allocated militates against sound community planning, participatory democracy and participatory budgeting. There is a clear opportunity to adopt more of a strategic commissioning approach, for example, in developing the National Cycling and Walking Network (NCWN) and link this to a participatory approach at a local level to encouraging active travel and supporting links to the national network. This is best done on a collaborative rather than a competitive approach (where resources go to those areas with the resources to bid) and in working 'with the grain' of the strategic direction provided by the Regional Transport Strategies (RTS) and in partnership with local authorities and communities in their localities.

At the present time just a fraction of the funding made available for Active Travel is channelled via the RTPs, just £1m out of £80m. There could be a greater level of transparency, collaboration and participation if there was a more coherent and integrated approach to commissioning, consultation and co-delivery with local communities.

Accordingly, we would advocate for a better balance of funding to be provided at a regional level to facilitate this collaborative approach with the sectoral charities providing advice on the delivery of that funding, taking them back to their original purpose, rather than confusing their role with the commissioning role that is the rightful function of statutory bodies aligned with approved strategies.

2. Driving Smart and Inclusive Growth

A further stated outcome of the Review is to focus on and strengthen local and community decision-making and democratic governance in ways that improve outcomes in local communities, grow Scotland's economy for everyone's benefit, support communities to focus on their priorities, and help new ideas to flourish.

The development of City Region and Growth Deals continues apace and new governance arrangements are emerging to reflect the importance of a comprehensive and inter-dependent approach to growing our economy and making the right investment decisions. Transport has played a core role in those investment strategies but there is currently a democratic deficit in the governance arrangements whereby elected Members leading on the strategic governance of transport are not automatically included in the Joint Committees established to oversee delivery.

This is a legislative anomaly due to the fact that RTPs are not technically local authorities and so cannot be party to a Joint Committee unless by part of the minority voting share or co-opted without voting rights. This clearly can exclude those members with the experience of making strategic investment decisions of participating as a full partner and reduces the opportunity to escalate the transport issues and priorities from a local level for strategic consideration.

By way of background, a Joint Committee is defined as having been established under section 57 of the Local Government (Scotland) Act 1973 ("1973 Act"). That section 57 permits two or more local authorities to appoint a joint committee of those authorities for the purpose of discharging any functions of the local authorities if in pursuance of arrangements made under section 56 of the 1973 Act. However, regional transport powers were granted to the Regional Transport Partnerships by virtue of the Transport (Scotland) Act 2005. The 2005 Act requires each RTP to draw up a strategy for transport within its region. Section 6 requires each RTP to consult with its constituent councils and Section 7 imposes review and modification obligations upon RTPs. As a consequence, these powers cannot be delegated by local authorities to the Joint Committee because they do not hold the powers.

To overcome the current democratic deficit in City Region and Growth Deal governance arrangements, the RTPs request that participation in strategic decision making on transport investments in support of smart and inclusive growth should include representation from the RTPs as full and equal participating and voting partners.

3. Strategic Integration of Economic Development, Planning and Transport

The Review is also seeking views on whether there are new powers or other changes that are needed to make more progress and the benefits these would produce, and about opportunities to hardwire better local governance arrangements into the places you serve. The Review is also keen to hear about how this landscape could be made to work better overall.

The RTPs believe that the greatest possible integration of the strategic functions of economic development, planning and transport is of critical importance to providing a sustainable best value result for the citizens and communities of Scotland. With the emergence of Regional Economic Partnerships and new governance arrangements supporting City Region and Growth Deals, the RTPs believe that any changes to the nature of both planning and transport governance and delivery should be carried out with this integration as a priority. Unless economic development, land use and transport planning, including in respect of new development, is carried out as one properly integrated process it is likely that sustainable development and related transport policies and practices will not succeed. Therefore, the problems associated with single occupancy cars and other less sustainable travel practices and behaviours will continue to prevail, acting against the current aims to reduce the need to travel and to establish more walkable and sustainable developments, where amenities are within easy reach of communities.

The RTPs believe that, in most cases, bringing Councils together under a statutory duty to agree strategic planning and transport frameworks and policies at a regional level in support of economic growth has benefitted not only consideration of these issues at a regional level but has built a level of trust between Councils. That in turn has fostered closer working between them to create a positive environment and agreement to move forward with City Region Deals and to work closer together with each other and their regional partner bodies on cross boundary issues.

Consideration should be given to what functions are best carried out at a national, regional and local level and while we recognise this is being done in part via the Planning Bill and NTS Review, it is important to remember that regional and local needs and issues differ significantly across the country, and that regionally and locally relevant solutions for different places and circumstances, including the current system where it is working well, may well be the most effective answer.

In the context of the changing governance landscape, the role and status of the publicly appointed non-councillor Members of the current RTPs will need to be considered within any future models of regional governance. The contribution of these Members has been a strong benefit to decision making and performance of the RTPs, including contributing positively to the RTPs' wider role and contribution in relation to strategic planning and community planning.