

17 SEPTEMBER 2019

APPOINTMENT OF NON-COUNCILLOR MEMBER**REPORT BY DIRECTOR**

This report informs the Board of the applications received following the advertising of the existing vacancy for a non-Councillor member, reports on the resignation of a further non-Councillor member and seeks approval from the Board to appoint to one or both vacancies subject to the recommendation of the Executive Committee following interviews scheduled for Friday, 13 September 2019.

1. RECOMMENDATIONS

1.1 That the Partnership :-

- (i) notes the steps taken to advertise the existing vacancy widely through designated web sites and social media;
- (ii) notes the further resignation of a non-Councillor member from the Board; and
- (iii) approves the appointment to one or both vacancies subject to the recommendation of the Executive Committee following interviews scheduled for Friday 13 September 2019 and resolves to submit the name(s) to the Scottish Government for endorsement.

2. BACKGROUND

- 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. The Partnership has previously taken the view that it would wish to appoint the maximum of 5 non-Councillor Members, as permitted by legislation.
- 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.

- 2.3 At the meeting on 13 June 2017 the Partnership noted Gavin Roser's intention to stand down at the end of the latest one-year extension to his term of appointment on 30 September 2018 (Report RTP/17/11 refers). The subsequent vacancy was advertised on the Tactran web site and on the Public Appointments Scotland web site. In addition, based upon previous advice provided by the Public Appointments and Diversity Centre of Expertise (PACE) and Transport Scotland, the vacancy was also advertised on the PACE website.
- 2.4 Despite these efforts, the Director reported to the Partnership at its meeting on 25 September 2018 that while receiving a total of 12 expressions of interest in the position none of those resulted in a formal application (Report RTP/18/38 refers). As a consequence, the Board agreed to continue with 4 non-Councillor members for the next 12 months and at the meeting on 18 June 2019 agreed to re-advertise for the position over the summer with a closing date of 31 August 2019.
- 2.5 Since the last meeting of the Partnership, our Vice-Chair, Trudi Craggs, has also tendered her resignation from the Board, in an e-mail to the Chair, Councillor Richard McCready on 21 July 2019, with effect from the close of the September meeting so that at least one vacancy can be filled so as not to leave the Board without the requisite number of non-Councillor members.

3. ADVERTISING THE VACANCY

- 3.1 As has been reported previously, the Scottish Government is seeking to improve the representation of women on the boards of Scottish public authorities. The Gender Representation on Public Boards (Scotland) Act 2018 received Royal Assent on 9 March 2018. This sets a 'gender representation objective' whereby, for non-executive member components of public boards (i.e. non-Councillor appointments in the case of RTPs), public boards should seek to ensure that 50% of non-executive members are women. The Act places duties on listed public authorities (including RTPs), appointing persons and Scottish Ministers in connection with their role in achieving the gender representation objective.
- 3.2 The Act accepts that appointments must be made on merit but, where there are two or more equally qualified candidates for appointment, the appointing person(s) must appoint a candidate who is a woman if doing so will result in achieving, or making progress towards, the gender representation objective. There is scope to consider whether appointment of a person who is not a woman is justified on the basis of a characteristic or situation particular to that person.
- 3.3 In addition, public authorities and appointing persons must take such action as they consider appropriate to encourage applications from women and, where the gender representation objective has not been achieved, must take such additional steps to achieve this as they consider appropriate. The legislation also includes a requirement to report on progress toward meeting the gender representation objective.

3.4 Accordingly, it was proposed to take a pro-active approach to advertising the vacancy with a view to targeting under-represented groups in an attempt to widen Board diversity. In addition to the Tactran web site, the vacancy was also advertised on and disseminated on Linked-in and Twitter where Board members shared the information with their wider networks. Also, on the following recommended web sites:

- My Job Scotland, www.myjobscotland.gov.uk
- Women on Boards, <https://www.womenonboards.net/en-gb/services/wob-vacancy-board>
- Changing the Chemistry, board.vacancy@changingthechemistry.org ” <https://changingthechemistry.org/>
- International Voluntary Service has a young people specific website for Board and Trustee recruitment <https://youngtrustee.co.uk/vacancies/>

3.5 However, it was disappointing that Tactran was not allowed to upload the vacancy onto the Public Appointments Scotland web site on this occasion, as it is no longer viewed as a ‘public body’ as outlined below in the response from Transport Scotland:

“A Public Body in Scottish terms is an organisation for which, either the Scottish Government or Scottish Parliament is responsible, and with whom they have a direct relationship. Not all public sector bodies share the same relationship with government, or operate within the same public bodies framework and will therefore not all bodies will be recorded on the Public Bodies Directory. Public Bodies listed on the Directory are structured under an administrative classification system e.g. Executive Agencies, Non Departmental Public Bodies, Public Corporations, Tribunals, Non Ministerial Office, Commissioners and Ombudsmen and some other significant public bodies. The administrative classification provides Scottish Government Directorates with the guidance and ability to create arm’s length bodies that fulfil their governance objectives within a clear, consistent and comparable system and offers a more transparent public bodies’ landscape, promoting greater accountability.

While RTPs are established in statute and can clearly be viewed as public sector organisations their governance relationship and accountability arrangements are not with either the Scottish Government or the Scottish Parliament.

In terms of your board vacancy, the Scottish Government tightened its policy in relation to the vacancies that it advertises on Appointed for Scotland in 2018, due to the volume requests for placing adverts for vacancies. There was confusion around which were public appointments and which were not and this was having an impact on staff resource of the team. You may wish consider advertising your board position on any of the web sites mentioned in Rachael Hay’s email response to Ashley on 22 July 2019. You could also consider approaching www.myjobscotland.gov.uk to place this advert.”

3.6 At the time of writing there have been three formal applications received and the applicants will be invited to interview by the Executive Committee at the scheduled meeting on Friday 13 September 2019, along with any others received by the due date.

4. CONSULTATIONS

4.1 Transport Scotland was consulted on the advertising of the vacancy for the non-Councillor member of the Board.

5. RESOURCE IMPLICATIONS

5.1 Costs associated with seeking appointment to the vacancy of non-Councillor member arising from Gavin Roser and Trudi Craggs resignations will be met from the approved 2019/20 Core Revenue Budget provision for Board Expenses.

6. EQUALITIES IMPLICATIONS

6.1 In making any new non-Councillor member appointments the Partnership must have regard to the Gender Representation on Public Boards (Scotland) Act 2018 and related guidance, and any other relevant guidance and objectives in relation to achieving gender balance and diversity in the membership of public sector boards.

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Director

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NOTE

Background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information), relied on to a material extent in preparing the above Report.

Report to Partnership RTP/17/11, Appointment of Non-Councillor Members, 13 June 2017

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

Gender Representation on Public Boards (Scotland) Act 2018

Public Sector Equalities Duty Reporting, 12 April 2019 (RTP/19/14)