

SESTRAN APPOINTMENTS

1. Introduction

- 1.1 The purpose of this report is to ask the board to agree the appointments of a new Chairperson and Deputy Chairperson(s), following the resignations of Cllrs. Davidson and Lawson.
- 1.2 This paper sets out the roles and duties of the Chairperson and Deputy Chairperson(s) to assist the partnership in its decision making process.
- 1.3 The Transport (Scotland) Act 2005 placed a duty on Scottish Ministers to create Regional Transport Partnerships (RTPs) covering the whole of Scotland. This paper provides members of the Partnership Board with a summary of guidance published by the Scottish Government on the specific aspects of appointments to governance in RTP positions and membership of RTP committees. There are also references to guidance providing basic information on the role of the Board of a public body in Scotland, including specific guidance on the role of a Chairperson.

2. (a) Chairperson

- 2.1 The 'Scotland's Transport Future: Regional Transport Partnerships – Guidance on Membership'ⁱ published in December 2005 assists all members of RTPs by amongst other matters: summarising the statutory requirements of RTPs and describing the key roles, skills and relationships required to exercise the statutory duty placed by the Transport (Scotland) Act 2005 on Scottish Ministers to create regional transport partnerships covering the whole of Scotland. The Guidance outlines that Paragraph 4(1) of Schedule 2 of The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 requires each RTP to elect a Chairperson from amongst its members. The Chairperson can be a councillor member or another member of the Partnership.
- 2.2 The Guidance highlights that the Chairperson will play an important role in building and leading the RTP and will be drawn from the membership (councillor or other). The appointed Chair, it is stated, will have a key role not just in guiding formal discussion and decision-making but in vital preparatory work, working closely with members and officers. The guidance goes on to suggest that the Chairperson should aim to avoid votes on matters as far as possible, find consensus by weighing up the points made in discussion by members and keeping the focus on the objectives and responsibilities of the RTP.
- 2.3 The 2005 Transport Scotland guidance also outlines that the Chairperson is also likely to be the most visible of the members i.e. the RTP's public face. This representational role will require a solid grasp of the issues and the ability to present the RTP as a serious player to a range of stakeholders,

including the constituent councils. The Chairperson will also be the key point of contact for the Minister for Transport. A key part of the role will be to foster good working relationships between the Minister and the RTP Chairpersons, collectively and individually, which will help to foster open and positive collaboration between the Scottish Government and RTPs.

2.4 The 2005 Guidance also references “On Board: A Guide for Board Members of Public Bodies in Scotland”, which it states provides a comprehensive standard induction pack covering a range of issues such as roles and responsibilities of public bodies, and accountability and governance arrangements to supplement tailored induction and training. The “On Board” guidance was updated and re-published in March 2017. The 2017 guidance highlights that the Chair of any public body has additional responsibilities over and above those of Board members, particularly in relation to leadership and the conduct of Board business. The guidance highlights those communications between the public body Board and the Scottish Ministers should normally be through the Chair. They are responsible for ensuring that the public body’s policies and actions support the Scottish Ministers’ wider strategic policies and that its affairs are conducted with probity. Whilst not an exhaustive list, the “On Board” guidance summarises the role and key responsibilities of the Chair as follows:

- Leads representation and links with Ministers and Scottish Parliament;
- Leads the Board, ensures that the Board has the ability to carry out functions effectively and chairs Board meetings;
- Leads the Board’s approach to strategic planning;
- Leads the Board’s approach to the establishment of committees and ensures the Board considers substantive reports from any committees established;
- Ensures that the work of the Board and any committees is subject to regular self-assessment and that the Board is operating strategically and effectively;
- Ensures the Board has a balance of skills appropriate to directing the public body’s business, in accordance with recognised good practice in corporate governance;
- Ensures the Scottish Ministers are advised of the body’s needs when Board vacancies arise;
- Ensures the Board members are fully briefed on terms of appointment, duties, rights and responsibilities;
- Together with the other Board members, receives appropriate induction training, including financial management and reporting requirements and, as appropriate, on any differences that may exist between private and public sector practice;
- Ensures there is a Code of Conduct for Board members in place, approved by the Scottish Ministers;
- Assesses the performance of individual Board members on a continuous basis and undertakes a formal appraisal at least annually;

- In consultation with the Board as a whole, as appropriate, is responsible for undertaking an annual appraisal of the performance of the Chief Officer.
- 2.5 Standards Commission Model code and Guidance provided further advice on relations between members and employees of devolved public bodies, which includes relevant further information on the role and extent of responsibility of a Chairperson. Section 6 of the advice highlights that the Chair of the Board or any committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members on their areas of professional competence. The advice highlights that whilst employees will wish to listen to the views of members, they must retain final responsibility for the content of the reports. The section concludes by drawing attention to a clear distinction of role between Chair and Director:

“It is clearly important that there should be a close professional working relationship between the Chair of a committee and the director or senior manager of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an employee’s ability to deal impartially with other members, and the ability of Chairs to deal impartially with other employees”.

- 2.6 The Governance Scheme of The South-East of Scotland Transport Partnership outlines a number of specific duties for the Chairperson and a number of the policies of the Partnership outline specific roles, responsibilities and powers for the Chairperson.

3. (b) Deputy Chairperson(s)

- 3.1 The office of Deputy Chairperson(s) does not have a specific remit within legislation or guidance, the main specified duty is that, in the Chairperson’s absence, a Deputy Chairperson shall preside at all meetings of a Partnership. The Governance Scheme of the Partnership does outline specific duties or responsibilities for the position in line with this provision.
- 3.2 The Partnership shall appoint from its membership any such number of Deputy Chairpersons as they consider appropriate.

4. Timescales for Chair and Deputy Chair(s) Appointments

- 4.1 The 2005 Order states that the maximum length of time a member can serve as either Chair and Deputy-Chair is two full Council terms. Transport Scotland issued updated advice on 9 June 2017 which provides further clarification on the position of maximum term of office and that as either Chair or Deputy Chair, a member’s period of service cannot extend into a third council term.

5 Recommendations

5.1 The Board are requested to agree:

- a) The appointment of a Chairperson of the Partnership
- b) The appointment of Deputy Chairperson(s) of the Partnership

Gavin King

Secretary

20th September 2024

Background Papers

2005 RTPs Guidance on Membership

<https://webarchive.nrsotland.gov.uk/20190116074656/http://www2.gov.scot/Publications/2005/12/21113337/33380>

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

<http://www.legislation.gov.uk/sdsi/2005/0110697588/contents>

2017 On Board - A Guide for Board Members in Public Bodies

<http://www.gov.scot/Publications/2017/03/9182>

Standards Commission Advice Note

¹<http://www.standardscommissionscotland.org.uk/uploads/files/1452184352151218AAdviceonRelationsbetweenMembersandEmployeesofDPBs.pdf>

SEStran Governance Scheme

<https://sestran.gov.uk/publications/sestran-governance-scheme/>

Policy Implications	The Chairperson and Deputy Chairperson(s) will have key and lead roles to play in leading strategic planning, in accordance with recognised good practice in corporate governance.
Financial Implications	The appointment of a Chairperson and Deputy Chairperson(s) will have positive impact on SEStran's internal audit and governance scrutiny processes and on statutory duties.
Equalities Implications	The Chairperson and Deputy Chairperson(s) will have key and lead roles to play in leading strategic planning on this

	<p>issue and also ensuring that the Board has the balance of skills appropriate to direct business, in accordance with recognised good practice in corporate governance and SEStran’s statutory duties.</p>
<p>Climate Change Implications</p>	<p>The Chairperson and Deputy Chairperson(s) will have key and lead roles to play in leading the Board’s approach to strategic planning on this issue.</p>
