

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**26 SEPTEMBER 2006****POLICY AND GOVERNANCE ISSUES****REPORT BY SECRETARY****ABSTRACT**

This report advises and updates the Partnership on a number of policy and governance issues which require to be addressed.

1. RECOMMENDATIONS

- 1.1 It is recommended that the Partnership agree:-
- (a) to note the position with regard to the development of a Scheme of Delegation; Financial Regulations; Tender and Contract Procedures; a policy on members' expenses and human resources policies by CDU Limited;
 - (b) to note the resignation of Dr Paula Woolgar from the Partnership;
 - (c) to enter into a recruitment process to fill the resultant vacancy and to delegate authority for the carrying out of that process as set out in paragraph 3.5 of this report;
 - (d) to allow non-councillor members to vote on any matter other than those specifically excluded by legislation.

2. INTRODUCTION

2.1 As indicated in the report to the Partnership meeting on 27 June 2006, in order to provide for the proper functioning of the Partnership, there is a wide range of policy and governance issues which require to be considered. This report covers a number of these issues and further reports will be submitted to future meetings of the Partnership as required providing an update on these issues and advising of any other emerging issues.

2.2 This report covers the following issues:-

- Corporate Rules and Standards;
- Code of Conduct;
- Members' Expenses;
- Development of Policies, and
- Non-Councillor Members.

3. PROPOSALS

Corporate Rules and Standards

- 3.1 In the report to the Partnership meeting on 27 June 2006, it was indicated that it was intended to bring forward a Scheme of Delegation and also Financial Regulations to this meeting, but unfortunately this has not been possible.
- 3.2 However, it is recognised that these, together with Tender and Contract Procedures, are key documents in terms of the governance of the Partnership and that is a matter of priority for these documents to be in place.
- 3.3 Members will recall that in January 2006, it was agreed that CDU Limited be employed until 31 March 2007 to provide administrative and secretariat support to the Partnership. Accordingly, CDU Limited will now take forward the development of the Scheme, the Regulations and the Procedures in consultation with the Director, the Secretary, the Treasurer and the Legal Adviser.

Code of Conduct

- 3.4 Following the Partnership meeting on 27 June 2006, all members received the appropriate paperwork and supporting documentation to enable them to register their interests in accordance with the Partnership's approved Code of Conduct. However, whilst it is appreciated that this paperwork was circulated during the summer recess, members who have not yet done so are requested to complete the form and return it to the Secretary as soon as possible.

Members' Expenses

- 3.5 In the report to the Partnership meeting on 27 June 2006 it was suggested that a policy on the payment of members' expenses be brought forward as part of the Corporate Rules and Standards. Accordingly, CDU will be asked to include this in their programme of work for the Partnership.

Development of Policies

- 3.6 At the Partnership meeting on 27 June 2006, it was agreed that any comments on the draft policies submitted to that meeting should be forwarded to the Secretary by 11 July 2006.
- 3.7 Following that meeting, two comments were received, which have been taken account of, and the Policies are now being finalised for publication on the website and in hard copy format.
- 3.8 With regard to the development of human resources policies, CDU Limited will be asked to include this in their programme of work for the Partnership.

Non-Councillor Members

Appointment of Margaret Duffy

- 3.9 At the Partnership meeting on 17 August 2006, it was unanimously agreed to recommend to Scottish Ministers that Margaret Duffy of Forth Valley Health Board be appointed as the final non-councillor member of the Partnership. The Scottish Executive subsequently appointed Margaret Duffy and it is hoped that she will be available to attend the Partnership meeting.

Resignation of Dr Paula Woolgar

- 3.10 Members may be aware that Dr Paula Woolgar has intimated her resignation from the Partnership. Clearly this leaves the Partnership with a vacancy in its non-councillor membership.
- 3.11 Members will be aware that until the Local Government Elections in May 2007, non-councillor members are appointed by Scottish Ministers. Accordingly, in the circumstances, the Scottish Executive has been advised of the position and has indicated that it is for the Partnership to consider how it wishes to deal with the vacancy.
- 3.12 The Partnership has three options:-
- (a) To not seek to fill the vacancy until after the Local Government Elections in May 2007; or
 - (b) To approach another of the short-leeted candidates from the recruitment process held earlier this year, or
 - (c) To enter into a further recruitment process in order to be able to make nominations to Scottish Ministers for appointment.
- 3.13 It is suggested that the best way forward would be for the Partnership to enter into a further recruitment process. It is further suggested that if the Partnership accepts this course of action, it should be delegated (a) to the Director and the Secretary, in consultation with the Convener, to make the necessary arrangements in accordance with the Scottish Executive guidance for the appointments process; and (b) to the Executive Committee to consider shortleed and interview applicants and to make nominations to Scottish Ministers for appointment.

Voting Rights

- 3.14 Members will be aware that the current legislation provides that Partnerships can decide to allow non-councillor members to vote on any matter other than:-
- (a) The amount of funding to be granted by each constituent Council to the Partnership i.e. the requisition, and

- (b) The making of a request to Scottish Ministers for the conferring of additional functions on the Partnership.

3.15 To date the Partnership has not taken a decision on the voting rights for non-councillor members. It is suggested that the rights should not be restricted other than provided for in legislation.

4. CONSULTATION

The Director has been consulted in the preparation of this report.

5. RESOURCE IMPLICATIONS

There are no resource implications arising directly from this report.

6. CONCLUSION

There remain a number of policy and governance issues which the Partnership requires to consider. This report covers a number of these issues and seeks the Partnership's views thereon.

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Date: 25 September 2006

NOTE: No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than those containing confidential or exempt information) were relied on to any material extent in preparing the above report.