

18 JUNE 2019

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

This report highlights the existing vacancy for a non-Councillor member of the Board and seeks approval to re-advertise for the position noting the context of Board diversity, advice from Scottish Ministers on gender balance and taking steps to target under-represented groups.

1. RECOMMENDATIONS

1.1 That the Partnership :-

- (i) notes the continued vacancy for the position of non-Councillor member of the Partnership and agrees to enter into a recruitment process to fill the remaining vacancy by re-advertising for the position;
- (ii) agrees 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; and
- (iii) agrees to delegate authority to carry out the resultant recruitment and appointment process to the Executive Committee.

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 The procedure specified by Scottish Government relating to reappointment of non-Councillor members requires that any submission for Ministerial endorsement is accompanied by an appraisal of the member's suitability for reappointment. The Partnership has previously resolved that the necessary appraisals of member performance are undertaken by the Chairperson (Report RTP/09/33 refers).
- 2.4 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.
- 2.5 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 to re-advertise for the position in the summer of 2019.

3. DISCUSSION

- 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 As recently highlighted in the Equality Duty Reporting submission (Report RTP/19/14 refers), although the numbers are small, it is important to note that gender diversity has reduced over the past two years as female colleagues have retired/resigned from the Board and been replaced by male colleagues. This information has to be considered in the context of the guidance from Scottish Ministers that the aim is to ensure that, *“Boards of public bodies are broadly reflective of the wider Scottish population and have a gender balance by 2020”*.

3.5 Accordingly, it is 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.

4. CONSULTATIONS

4.1 None.

5. RESOURCE IMPLICATIONS

5.1 Costs associated with seeking appointment to the vacancy of non-Councillor member arising from Gavin Roser’s resignation 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.

Tom Flanagan
Director

Report prepared by Tom Flanagan. For further information contact e-mail tomflanagan@tactran.gov.uk or telephone 01738 475771

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.

Reports to Partnership on Appointment of Non-Councillor Members: Various as referenced within report.

Gender Representation on Public Boards (Scotland) Act 2018

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

