



# **Tyne and Wear Integrated Transport Authority Supplemental Agenda**

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Meeting to be held at The MANSION HOUSE, Fernwood Road, Jesmond, Newcastle upon Tyne  
on Thursday 24 September 2009 at 10.00 am  
(Labour Group meeting at 9:00am) (Opposition Group meeting at 9:30am)

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**NOTE:** Under the Local Government (Access to Information) Act 1985 members of the public have a right to inspect any non-confidential background papers used in the production of a non-confidential report to the Authority. Requests for information should be made to the Department originating the report.

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## Tyne and Wear Integrated Transport Authority

**24<sup>th</sup> September, 2009**

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**TITLE: REQUEST TO CONSIDER CO-OPTION OF INDEPENDENT MEMBERS**

**REPORT OF: SCRUTINY MANAGER, ITA SCRUTINY ADVISORY COMMITTEE**

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### **1. Summary / Purpose of Report**

1.1 To consider a suggestion that the effectiveness of the Scrutiny Advisory Committee (SAC) would be enhanced by the appointment of independent members.

### **2. Recommendation**

2.1 The ITA is asked if it wishes to appoint independent member(s) to the SAC.

### **3. Background, Membership and Independence**

3.1 The SAC was established in October, 2003. Working methods were agreed in March, 2004. Membership is drawn from Councillors representing the five Tyne and Wear Districts. Councillors are appointed on an annual basis and are not members of the ITA. This ensures a clear separation between those undertaking scrutiny and those being scrutinised.

3.2 The SAC has terms of reference to:

- ' Make reports and recommendations to the ITA with respect to the discharge of the ITA's functions
- Review and scrutinise the decisions made or other action taken in connection with the discharge of the ITA's functions
- To make reports and recommendations to the ITA on matters which affect Tyne and Wear and which relate to the ITA's functions'

3.3 The SAC appoints its own Chair and Vice-Chair and develops a work programme at the beginning of each year. This is regularly reviewed to ensure the SAC remains as targeted as possible. Dedicated scrutiny officer support is provided by Newcastle City Council, supported by Nexus and ITA staff.

### **4. Request for Change and Annual Governance Statement**

4.1 At its meeting on 26<sup>th</sup> June, 2009 the ITA's Standards and Audit Committee considered a draft of the 2008/09 Annual Governance Statement (AGS). Comment was made about how the ITA was scrutinised. It was suggested, in appointing Councillors from outside ITA membership, the SAC lacked suitable expertise. Amending the committee's constitution, to include independent members (particularly

people/groups with knowledge of local transport issues), would provide valuable experience and improve the effective holding to account of the ITA.

- 4.2 Comment from Standards and Audit was considered as part of the ITA's annual governance review. The 2008/09 AGS was approved on 29<sup>th</sup> June, 2009 with the following as one of four areas for improvement:

*'...Scrutiny Process: the member training session on 15<sup>th</sup> May, 2009 articulated that issues around the role of the SAC should be included in the AGS. Democratic Services and SAC will work together during 2009/10 to strengthen the work programme, and align it closely with key national and local priorities in order to ensure that the ITA benefits from a robust scrutiny process...'*

- 4.3 Members will note co-option was not identified as an improvement priority.

## 5. Next Steps

- 5.1 In essence there are two separate, but linked, issues. These are:

- **Work programme** - the need to align the SAC closer to key national and local priorities (an AGS requirement); and
- Whether the SAC would be strengthened by the **appointment of independent members** (a matter of opinion)

- 5.2 **Work programme:** It is argued this requirement has already been met. The SAC agreed, at its last meeting, to move to a theme-based approach anchoring reports in how the ITA (and partners) deliver the five ambitions for national transport strategy. Using 'Delivering a Sustainable Transport System', as a basis for meetings, ensures the SAC aligns precisely with national and local policy. It has also enabled the SAC to respond to wider powers for ITAs in the Transport Act, 2008.

- 5.3 **Appointment of independent members:** Set out below is a list of pros and cons. The list is not exhaustive, or weighted, but aims to identify key issues:

### Pro

- Co-option would:
  - Give a practical demonstration of the ITA's commitment to involve and be accountable
  - Broaden the knowledge base
  - Improve the profile of scrutiny
  - Include those with a keen interest
- Some Tyne & Wear Councils already have co-optees
- The ITA has co-optees on the Standards & Audit Committee
- Councillors deal with a huge range of issues and cannot be expert in the work of the ITA
- Co-option does not exclude existing members from active participation
- Attendance by Councillors is low/varied given busy diaries. Voting co-optees might encourage greater Councillor attendance

### Contra

- The committee already provides independent advice and comment
- Decisions should not be taken in isolation of the ITA governance review. New ITA Working Groups plan to involve local interest groups/individuals
- There is no requirement to co-opt: in law, as a result of AGS review or feedback on the committee's 2008/09 annual report
- Councillors have a democratic mandate and report into constituent authorities
- Councillors actively feed-in views from a range of communities
- Co-optees may bring a narrow - and less independent - view
- Co-optees may 'go native' or lose freedom to act as expert witnesses
- Appointing co-optees would incur cost if it were decided to pay allowances
- There are few interest groups with a Tyne and Wear focus

5.4 The SAC is meeting on 17<sup>th</sup> September, 2009 and has been asked for its comment. These will be fed into this meeting orally.

## 6. Process

6.1 Whilst not wishing to pre-judge the ITA's decision, it is appreciated Members may have views on the form of any co-option. Comment might wish to focus on:

- The number of co-optees (the present membership is ten Councillors)
- Qualities being sought from co-optees
- The appointment process, appeals and induction programme
- Cost of recruitment and the budget for ongoing expenses
- Voting rights - as the Committee is an advisory one, co-optees could legally be given voting rights if that were the ITA's wish
- If representatives should be geographic or special interest based
- Term of office (annual - as existing members - or for a longer period)

6.2 Any co-optees would need to conform to the Member Code of Conduct.

6.3 If co-option was supported, it is suggested Newcastle City Council, as host authority, utilise existing arrangements with the Council for Voluntary Service to recruit suitable co-optees. The CVS already has experience as honest broker in recruiting to the Council's overview and scrutiny panels. A contested election would likely cost several hundred pounds. It is likely this would need to be funded from the committee's own scrutiny budget (unless other resources are identified by the ITA).

6.4 Alternatively, if the ITA considered existing arrangements were robust and there is no need to co-opt, it is suggested a letter be sent to all members of the Standards and Audit Committee advising them of the reasons for this decision.

## 7. Opportunities/Risks

7.1 The SAC is integral to ITA governance. Decisions need to be taken in that context. SAC terms of reference already enable hold to account. Although the committee was subject to comment in the 2008/09 AGS, the area for improvement has already been addressed and does not relate to membership. There are benefits and pit-falls in appointing independent members. This would move the committee from being 'representative' (made up of councillors) to 'participatory' (involving non-Councillors). It is likely that any election would impact on the budget available for active scrutiny.

## 8. Further Comment By

- **Clerk** (if any);
- **Treasurer** (if any);
- **Legal Advisor** (if any);
- **Director General** (if any).

## 9. Background Papers

9.1 Local Government Act, 2000. Minutes and agenda Standards & Audit Committee 26<sup>th</sup> June, 2009, ITA on 29<sup>th</sup> June, 2009. 'Delivering a Sustainable Transport System' 2008

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