

Transport for the North Shadow Board Meeting – Minutes

Meeting: Transport for the North Shadow Board Meeting
Date: Thursday 8 February 2018, 11.30am – 1.00pm
Venue: Crowne Plaza Newcastle, Hawthorn Square, Forth Street, Newcastle Upon Tyne, NE1 3SA

Attendees:

Sir Richard Leese (Chair)

Cllr Phil Riley

Cllr Rachel Bailey

Cllr Brian Clarke

Cllr Ian Gillies

Cllr Keith Little

Cllr Symon Fraser

Cllr Alan Clark

Cllr Liam Robinson

Cllr Nick Forbes

Cllr Dave Watson

Cllr Rob Waltham

Cllr Carl Les accompanied by

Cllr Don MacKenzie

Mayor Ros Jones

Cllr Bill Dixon

Cllr Terry O'Neill

Cllr Judith Blake

Greater Manchester

Blackburn with Darwen

Cheshire East

Cheshire West & Chester

City of York

Cumbria

East Riding

Hull

Liverpool City Region

North East

North East Lincolnshire

North Lincolnshire

North Yorkshire

South Yorkshire

Tees Valley

Warrington

West Yorkshire

Officers in Attendance:

Barry White

Dawn Madin

David Abdy

David Hoggarth

Tim Date (Item 2)

Deborah Dimock (Item 2)

Stephen Hipwell (Item 3)

Richard Muscat (Item 3)

Chief Executive Officer

HR and Mobilisation Director

Portfolio Director

Rail North Director

Legal Services Manager

Solicitor

HR and Mobilisation Manager

KornFerry Hay Group

Apologies:

Cllr Simon Blackburn

Cllr Samantha Dixon

Cllr Stephen Parnaby

Cllr Geoff Driver

Cllr Julie Dore

Ben Houchen

Blackpool

Cheshire West & Chester

East Riding

Lancashire

South Yorkshire

Tees Valley

1.0	Welcome and Apologies (v)	Action
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| 1.1 | The Chair, Sir Richard Leese, welcomed members to the meeting. |
| 1.2 | It was noted that formal agreements can only be made by the Transport for the North (TfN) Board following statutory status coming into effect on 1 April 2018, however decisions in principle could be made now and confirmed at the April meeting. |

2.0	TfN Governance Arrangements (r)
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| 2.1 | Barry White (Chief Executive Officer, TfN) introduced the paper on Governance Arrangements for TfN once it becomes a statutory body. The regulations for the new body outline two distinct bodies:

The Members (consisting of elected representatives from the nineteen constituent authorities); and

The Partnership Board (LEPs, elected members and delivery agencies).

However, decisions were required on how this will work in practice. |
| 2.2 | Sir Richard Leese proposed that for the Members Board, the Board uses the powers it has to co-opt the LEP members and National Delivery Partners on to the Board on the basis that some matters are reserved simply for the elected members to discuss and vote on as outlined within the constitution. When meetings are conducted, all would be in attendance and would meet as an extended Board – the Transport for the North Board. |
| 2.3 | Cllr Robinson confirmed that he would strongly support this proposal. He explained that he feels that the Partnership Board has come a long way in a short period of time and there has been good engagement from elected members, delivery partners and LEPs. |

He suggested that it may be practicable to hold meetings in three parts, where business for all is discussed in part one, business for elected members in part two, and Rail North business in part three.

2.4 A member raised concerns about the practicalities of managing a meeting with a high number of members. Sir Richard Leese confirmed that he does not expect this to be a problem; the current Board structure is already large and is managed perfectly well.

2.5 Tim Date (Legal Services Manager) clarified that this is a two-step process. The first stage requires this Board to decide to co-opt the LEP member and national delivery partners. The second stage is for members to decide what voting rights they will give to those co-opted members.

At this stage no voting rights were assigned to the co-opted members, but this could be discussed in future.

2.6 A member asked whether it must be the Chair of the LEP that sits on the Board.

It was agreed that it does not need to be the Chair of the LEP; a member of the LEP would be acceptable.

2.7 It was agreed in principle that LEP members and national delivery partners will be co-opted onto the Member Board for most decision-making purposes with voting rights. The Member Board would be chaired by the Independent Transport for the North Chairman.

It was noted that the DfT may be prohibited from accepting the invitation due to their civil service status, but an invitation would be offered nonetheless.

2.8 In some circumstances, decisions may need to be made by just elected representatives from the nineteen constituent authorities. It was agreed that the Members' Board would have two Vice Chairs who would be elected members (one from each of the two biggest political parties in the North, currently Labour and Conservative) and that, for decisions that would need to be made by just elected members, one of these representatives would chair.

2.9 Governance Arrangements – Rail North

It was agreed that decisions relating to Rail North would generally be taken by the main Transport for

the North Board but that a Rail North Committee would continue to make decisions relating to detailed franchising arrangements.

The Shadow Board approved, in principle, the new Rail Partnership Agreement with the Secretary of State, the new Franchise Management Agreement and the Business Transfer Agreement.

Members agreed that all Members of TfN would not be members of the Rail North Committee and the Committee would be made up of representatives of the Regional Groups.

2.10 Governance Arrangements – Scrutiny

It was agreed that a 'scrutiny-first' approach would be taken, with the scrutiny committee meeting around a week before the Partnership Board each time.

It was also agreed that Scrutiny Committee members could be drawn from all members of Constituent Authorities as long as they are not executive members of Transport for the North. The Scrutiny Committee will have two Vice Chairs, from different political parties.

It was agreed that Scrutiny members could be drawn from all members of Constituent Authorities as long as they are not members of TFN.

2.11 Governance Arrangements - Audit and Governance Committee

It was agreed that independent members would be sought to be co-opted onto the audit and governance committee based on relevant skills.

2.12 Governance Arrangements – Operating protocols

The draft protocol on concurrent powers was endorsed. Only elected members would be allowed to vote on the exercise of concurrent powers and with the requirement of a super majority.

It was also agreed that Transport for the North should work with legal officers on an operating protocol with the constituent authorities.

2.13 Governance Agreements – DfT & Transport for the North Partnership Agreement

Work is ongoing between DfT and Transport for the North officers to draft a Partnership Agreement between the two organisations, which will need to be agreed at the initial board meeting in April. It was noted that this agreement must not constrain Transport for the North's independence or decision-making powers.

2.14 Partnership Agreement with the Secretary of State

The Shadow Board approved, in principle, the new Rail Partnership Agreement.

2.15 Franchise Management Agreement

The Shadow Board endorsed the Franchise Management Agreement and agreed with the recommendation each of TfN's Authorities progress signing of the Agreement in readiness for the first TfN meeting.

2.16 Business Transfer Agreement

The Shadow Board approved the draft Business Transfer Agreement that facilitates the transfer of Rail North Ltd's business operations into TfN, and the recommendation that TfN enters into this Agreement.

2.17 Ways of Working

The Shadow Board was asked to consider and agree in principle the mechanism for making decisions on Rail North matters.

Members agreed that this needs more work outside of this meeting to agree what is delegated and what is not.

2.18 The Shadow Board noted the list of additional decisions which will need to be made at TfN's first meeting.

3.0 TfN Resourcing Arrangements (r/p)

This item was deemed to be confidential as it contains information which is exempt from disclosure under paragraph 4 of Part 1 of Schedule 12A (as amended) of the

Local Government Act 1972 being information relating to future negotiations between TfN and its employees, therefore, this item would not appear in papers to be made available for public inspection.

4.0 Any Other Business (v)

There were no items of any other business to discuss.

r = report; p = presentation; v = verbal

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