

Audit and Governance Committee Meeting – Item 5

- Subject:** Review of the Constitution
- Author:** Deborah Dimock, Solicitor
- Sponsor:** Dawn Madin, Director of Business Capabilities
- Meeting Date:** Wednesday 19th September 2018

1. Executive Summary:

- 1.1 This report sets out proposals for a review of Transport for the North's Constitution.
- 1.2 At its inaugural meeting on 5 April 2018 the Transport for the North Board adopted the Constitution but made a proviso that the Constitution should be reviewed after 6 months.
- 1.3 This report sets out the procedure which has been adopted for the Constitution Review and the issues which have been raised and requests Members to consider any further matters that should be included within the review.
- 1.4 A questionnaire has been sent out to all Members of the Transport for the North Board (including Substitutes), the Scrutiny Committee (including Substitutes), the Audit and Governance Committee, and legal officers of the Constituent Authorities. This questionnaire will then be followed up with individual or group meetings.
- 1.5 The findings will be referred to a future meeting of the Scrutiny Committee and to the Audit and Governance Committee and then to the Transport for the North Board which will need to approve any amendments to the Constitution. Amendments to the Constitution require a Super Majority of 75% of the weighted votes (based on population) and not less than 50% of the Members present and voting to vote in favour of the amendments to be approved.

2. Recommendation:

- 2.1 That Committee consider the questionnaire that has been sent out to all Members and raise any further matters of concern in relation to the Constitution to be considered in the review.

3. Issues:

- 3.1 When the Transport for the North Board approved the Constitution at its inaugural meeting it also agreed that there should be a review of the Constitution after six months to ensure that it was fit for purpose. Members are now being asked for their general views on Transport for the North's Constitution. In addition, over the first few months of its operation, a number of issues have arisen which need to be considered and clarified for the future and these have been identified in the questionnaire.
- 3.2 A more general administrative review is also being undertaken to identify any inconsistencies or minor points needing clarification which do not involve matters of principle which need to be referred to Members. This administrative review should also include a review of the Scheme of Delegation with a more general delegation of general day to day management functions to the Directors.
- 3.3 The first stage of the process was to send out a questionnaire seeking the views of Members and other stakeholders on the Constitution and some proposed amendments. The questions being asked have been informed by the issues which have arisen since the inaugural meeting and relate to the following matters:
 - a) General comments
 - b) Co-option – consents – whether a standing consent to co-options could be given
 - c) Co-option – procedure – whether written consent could be obtained before meetings
 - d) Telephone attendance at meetings – whether attendance at some committee meetings could be by telephone and procedure for this
 - e) Public speaking at meetings whether there should be public speaking at some committee meetings and procedures for this
 - f) Membership of the Audit and Governance Committee – to broaden membership to include elected members of the Constituent Authorities who are not Board Members
 - g) Publicity for the Partnership Board papers and reports – to clarify privacy in relation to Partnership Board
 - h) The procedure for the appointment of Vice Chairs of the Transport for the North Board – to look at inviting only one nomination from the Major and Minority parties
 - i) Membership of the Rail North Committee – to confirm its status as a Sub-Committee of the Transport for the North Board made up of Transport for the North Members
 - j) Quorum for the Rail North Committee – to agree the number of Members to be present
 - k) Contracts under seal – to look at increasing the value above which contracts should be under seal
- 3.4 The questionnaire was sent out in early September with a return date of 21 September 2018. The questionnaire will then be followed up by interviews with Members and other stakeholders where specific issues

have been raised and by group meetings with the legal officers of the Constituent Authorities.

- 3.5 The answers to the questionnaires and the results of the interviews and group meetings will then be reviewed and the findings will be reported to the Scrutiny Committee before the amended Constitution is referred to the Transport for the North Board for approval.

4. Options Considered:

- 4.1 A Review of the Constitution has been requested by Member of the Transport for the North Board and so no other options were considered.

5. Appendices:

- 5.1 None

The Transport for the North Constitution

Required Considerations

Equalities

Age		No
Disability		No
Gender Reassignment		No
Pregnancy and Maternity		No
Race		No
Religion or Belief		No
Sex		No
Sexual Orientation		No

Consideration	Comment	Responsible Officer	Director
Equalities	A full Impact assessment has not been carried out, but any possible impacts of any proposed amendments will be considered as part of the Constitution Review	Deborah Dimock	Dawn Madin

Environment and Sustainability

	No
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Consideration	Comment	Responsible Officer	Director
Sustainability / Environment	A full impact assessment has not been carried out, but any impacts will be considered as part of the Constitution Review	Deborah Dimock	Dawn Madin

Legal

Yes	No
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Consideration	Comment	Responsible Officer	Director
Legal	The legal implications will be considered and	Deborah Dimock	Dawn Madin

	will form part of the Constitution Review		
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Finance

	No
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Consideration	Comment	Responsible Officer	Director
Finance	Any financial implications will be considered as part of the Constitution Review	Deborah Dimock	Dawn Madin

Resource

	No
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Consideration	Comment	Responsible Officer	Director
Resource	Any resource implications will be considered as part of the Constitution Review.	Deborah Dimock	Dawn Madin

Risk

	No
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Consideration	Comment	Responsible Officer	Director
Risk	A risk assessment will be carried out as part of the Constitution Review.	Deborah Dimock	Dawn Madin

Consultation

Yes	
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Consideration	Comment	Responsible Officer	Director
Consultation	A consultation exercise is being carried out as part of the Constitution Review	Deborah Dimock	Dawn Madin