

SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

**Meeting of Friday, 19 April 2024 at 2.30pm,
Council Hall, Council Offices, English Street, Dumfries, DG1 2DD
and via Microsoft Teams**

Members of the Board

John Campbell (Chair)	- Dumfries and Galloway Council
Karen Jackson (Vice Chair)	- South of Scotland Enterprise
David Bryson	- NHS Dumfries and Galloway
Jim Dempster	- Dumfries and Galloway Council
Willie Scobie	- Dumfries and Galloway Council
Keith Walters	- Dumfries and Galloway Council
Andrew Wood	- Dumfries and Galloway Council

Future Meetings

28 June 2024

27 September 2024

29 November 2024

Douglas Kirkpatrick

Lead Officer, South West of Scotland Transport Partnership

SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

Meeting of Friday, 19 April 2024 at 2.30pm
Council Hall, Council Offices, English Street, Dumfries, DG1 2DD and
via Microsoft Teams

1. **SEDERUNT AND APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF MEETING ON 22 MARCH 2024 – FOR APPROVAL**
4. **LEAD OFFICER ARRANGEMENTS** – Recommendations – (i) appoint Stephen Hall as Lead Officer for SWestrans, effective from 19 April 2024; and (ii) agree that the current Protocol for Provision of Lead Officer remains in place, with the substitution of Assistant Director Transport and Infrastructure for the Transportation Manager.
5. **ANY OTHER BUSINESS WHICH THE CHAIR MAY DECIDE IS URGENT DUE TO THE NEED FOR A DECISION**

Douglas Kirkpatrick
Lead Officer
South West of Scotland Transport Partnership

Claire Rogerson
Secretary to the Board
South West of Scotland Transport Partnership

SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

Meeting of Friday 22 March 2024
at 10.30am at Dumfries and Galloway Council Headquarters, English Street,
Dumfries and via Microsoft Teams

Present

Members

John Campbell (Chair)	-	Dumfries and Galloway Council
Karen Jackson (Vice-Chair)	-	South of Scotland Enterprise
Jim Dempster	-	Dumfries and Galloway Council
Willie Scobie	-	Dumfries and Galloway Council
Keith Walters	-	Dumfries and Galloway Council
Andrew Wood	-	Dumfries and Galloway Council

Officials

Douglas Kirkpatrick	-	Lead Officer
Claire Rogerson	-	Secretary to the Board
Kirsty Dunsmore	-	Policy and Projects Officer
Janet Sutton	-	Finance Officer
Grant Coltart	-	Team Leader Transport Planning and Operations

Apologies

David Bryson	-	NHS Dumfries and Galloway
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Observers

Frazer Smith	-	Stagecoach
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In Attendance

Richard Fox		Internal Audit, Dumfries and Galloway Council
Peter Lindsay	-	Audit Scotland
Laura Moodie	-	D&G Bus Users Group
Ciaran O'Brian	-	Audit Scotland
Karen Scott	-	Procurement and Commissioning Manager Dumfries and Galloway Council

1. SEDERUNT AND APOLOGIES

6 Board Members present and 1 apology

John Campbell, Willie Scobie and Keith Walters attended at Dumfries and Galloway Council Headquarters.

Karen Jackson, Jim Dempster and Andrew Wood attended via MS Teams as agreed by the Chair.

Special Notice

The Chair on behalf of SWestrans offered condolences to the friends and family of Graham Whiteley who had sadly passed away in February.

Graham had been an Observer to the Board since SWestrans was established in 2006. Initially representing Cumbria County Council where he was the passenger transport manager and then following his retirement he continued to serve as an Observer in an individual capacity. Graham contributed to each Board meeting he attended and certainly kept our Lead Officer supplied with a stream of well informed and challenging questions. His knowledge and expertise, particularly on all matters Rail, will be greatly missed as will he.

All those present then observed a short silence as a mark of respect.

2. DECLARATIONS OF INTEREST

NONE declared.

3. MINUTES OF MEETING 2 FEBRUARY 2024

Decision

APPROVED.

4. ETERNAL AUDIT PLAN 2023/24

Decision

The Board **NOTED** and commented on the External Audit Plan for 2023/24 as detailed in the Appendix of the report.

5. DRAFT REVENUE EXPENDITURE BUDGET 2024/25

Decision

The Board **AGREED** the draft revenue budget for 2024/25 as set out in Table 1 of the report.

6. INTERNAL AUDIT REPORT OF SOUTH WEST SCOTLAND TRANSPORT PARTNERSHIP

Decision

The Board:-

6.1 **NOTED** and **WELCOMED** the Internal Audit; and

6.2 **AGREED** the main findings of the internal audit and to implement the action plan to address the nine audit actions identified as summarised in Table 2 of the report, noting the requirement that targets were required to be realistic.

7. REGIONAL TRANSPORT STRATEGY 2023 TO 2042

Decision

The Board **NOTED** the letter at the Appendix of the report, from the Cabinet Secretary for Transport which confirmed final approval of SWestrans Regional Transport Strategy 2023-2042 by Scottish Ministers.

8. PROCUREMENT STANDING ORDERS

Decision

The Board:-

8.1 **REVOKED** the current Procurement Standing Orders, effective from 25 March 2024; and

8.2 **APPROVED** the adoption of the Procurement Standing Orders provided at the Appendix of the report, effective from 25 March 2024.

9. SWESTRANS ANNUAL REPORT 2022/23

Decision

The Board **AGREED** the SWestrans Annual Report for 2022/23 attached as the Appendix to the report for submission to Scottish Ministers.

BOARD MEMBER – Jim Dempster left the meeting – 5 Board Members present.

10. DEVELOP TO DELIVER

Decision

The Board:-

10.1 **NOTED** the “Develop to Deliver – 2023 Refresh” document at the Appendix of the report; and

10.2 **ENDORSED** the principles of collaboration, opportunities for regional coordination and role of Regional Transport Partnerships in enabling liaison between national and local authorities

11. LOCAL BUS NETWORK REVIEW

Decision

The Board :-

11.1 **NOTED** the outcome of the school and local bus review at the Appendix of the report; and

11.2 **APPROVED** the key actions to be taken forward as set out at paragraph 3.8 of the report.

12. RAIL UPDATE

Decision

The Board :-

NOTED

12.1 the update on TransPennine Express West Coast Main Line rail services;

12.2 the update on Grand Union Trains Services; and

12.3 the update on the Stranraer Rail Line; and

12.4 **FURTHER AGREED** to seek clarification from the Scottish Government on the investment for the A77, with recognised parity to the investment being made by the UK Government on the A75.

13. ANY OTHER BUSINESS WHICH THE CHAIR MAY DECIDE IS URGENT DUE TO THE NEED FOR A DECISION

Decision

The Board **NOTED** that there was one item of urgent business deemed urgent by the Chair due to the need for a decision, being a verbal update on Lead Officer Arrangements, which would be taken as an exempt item of business as item 13A, after item 14.

PROCEDURE – The Board **AGREED** to consider the following items of business in private and exclude the press, members of the public and observers from the meeting given that the report contained confidential or exempt information in respect of paragraphs 6,8 and 9 (for item 14) and paragraph 1 (for item 13A) of Schedule 7A of the Local Government (Scotland) Act 1973.

BOARD MEMBER – Andrew Wood left the meeting – 4 Board Members present.

14. ACTIVE TRAVEL FUNDING

Summary of Report – The report advised the Board of progress with the distribution and management of the Behaviour Change element of active travel funding from 2024/25.

Decision

The Board:-

NOTED

14.1 the progress with the distribution and management of the Behaviour Change element of active travel funding from 2024/25; and;

14.2 the outcome of the grant application process and that in-principle award letters for each of the successful bids were issued week commencing 18 March 2024.

13A LEAD OFFICER ARRANGEMENTS

Summary – A verbal update was provided by the Lead Officer on his imminent retirement and the arrangements that would be required to be progressed.

Decision

13A.1 **NOTED** the updated provided by the Lead Officer; and

13A.2 **AGREED** that a Special Board meeting be arranged to consider and agree the Lead Officer arrangements going forward.

LEAD OFFICER ARRANGEMENTS

1. Reason for Report

This report sets out proposed interim management arrangements.

2. Background

2.1 The SWestrans Board agreed to appoint Douglas Kirkpatrick as Lead Officer on 15 July 2016. Douglas also undertakes the role of Transportation Manager within the Council's Transport and Infrastructure Department.

2.2 There is no requirement in the legislation establishing the Regional Transport Partnership (RTP) to appoint a Lead Officer. The only specific requirements relate to the appointment of a Secretary (an administrative appointment) and a Proper Officer to deal with certain formal matters relating to service of notices on or by the RTP and accounting matters. The function of Secretary to the Board is currently provided by the Council's Democratic Services, in the person of Claire Rogerson. The Proper Officer functions are serviced by the Council's Assistant Director Governance and Human Resources and Chief Financial Officer as appropriate.

2.3 It is important that the SWestrans Board is able to hold some person accountable for the implementation of decisions taken by the Board. In this regard the Standing Orders and Financial Regulations and Codes recognise the position of the Lead Officer.

2.4 The Standing Orders provide that the appointment of all senior managers paid on the grade appropriate for Lead Officer shall be made by the appropriate Committee or by a Sub-Committee of the RTP. All other appointments are to be made by the Lead Officer unless the RTP decides otherwise (Standing Order 18).

2.5 Standing Order 19 provides that where matters are of special importance and urgency the Lead Officer (after consultation with the Chair and Vice Chair) shall have power to take all steps as may be necessary. The same power is conferred upon the Lead Officer regarding a matter of ordinary business that requires to be dealt with expeditiously without awaiting the decision of the appropriate Committee of the RTP.

2.6 Standing Order 21 provides that with respect to proposed contracts the Lead Officer shall in consultation with the Finance Officer ensure that where applicable all appropriate legislation is applied with respect to the securing of competition for tenders relating to such contracts.

2.7 Financial Regulation 4 set outs the responsibility of the Lead Officer to secure best value for expenditure and accountability for the performance of the Service against budgets allocated.

2.8 The Financial Codes give the Lead Officer (in some cases referred to as the Head of Service) further responsibilities relating to:

- Personal interests of staff in contracts.
- Revenue budgets.
- Retention of financial documents.
- Liaison with Internal Audit.
- Recovery of sundry debts.
- Authorisation for cash advance to officers.
- Accountability for financial performance against the budget allocated.
- Management review of inventories at regular intervals.
- Financial requirements regarding projects/activities partly or wholly funded with external contributions.
- Certification of applications for European funding.
- Ensuring principles in the financial code regulating purchase card and credit cards are incorporated in the working practices of the RTP.

2.9 The functions of the RTP are generally separate from those of the Council. The functions of the RTP were either transferred from the Council through a Transfer of Functions Order by Scottish Ministers, or are entirely new functions conferred upon the RTP by the Transport (Scotland) Act 2005.

2.10 The Board approved a Protocol for the Provision of Lead Officer by Dumfries and Galloway Council to the South West of Scotland Transport Partnership at its meeting on 23 March 2012 (**Appendix**).

3. Key Points

3.1 As advised by the Lead Officer at the Board meeting on 22 March 2024 he would be leaving his employment in May 2024 and that arrangements would be made as soon as possible to identify an appropriate replacement as Lead Officer.

3.2 It is recognised that recruitment of a replacement will take some time and that interim arrangements will need to be established to ensure SWestrans can function normally.

3.3 It is therefore proposed that Stephen Hall, as Interim Assistant Director Transport and Infrastructure at Dumfries and Galloway Council, should take on the role of Lead Officer of the RTP and that the Protocol remain in place, accepting that in the Interim Assistant Director Transport and Infrastructure has been allocated the responsibilities for SWestrans and that recruitment of a permanent replacement will be undertaken as soon as possible.

4. Financial Implications

There are no financial implications for SWestrans in the arrangement proposed.

5. Consultation

All staff involved with SWestrans are employed by the Council. The Council's Director Communities, currently fulfilling the duties and responsibilities of the Executive Director Economy and Infrastructure has been consulted and is in agreement with the terms of this report.

6. Recommendations

Members of the Board are asked to:

- 6.1 appoint Stephen Hall as Lead Officer for SWestrans, effective from 19 April 2024; and
- 6.2 agree that the current Protocol for Provision of Lead Officer remains in place, with the substitution of Assistant Director Transport and Infrastructure for the Transportation Manager.

Douglas Kirkpatrick - Report

Author

Tel:01387 260136

Date of Report: 8 April 2024

File Ref: SW2/meetings/2024

Approved by: Douglas Kirkpatrick

Lead Officer

South West of Scotland Transport Partnership

Cargen Tower

Garroch Business Park

Dumfries

DG2 8PN

APPENDIX - Protocol for Provision of Lead Officer.

Appendix 1

PROTOCOL FOR PROVISION OF LEAD OFFICER BY DUMFRIES & GALLOWAY COUNCIL TO THE SOUTH WEST OF SCOTLAND TRANSPORT PARTNERSHIP

AGREEMENT between:-

- (1) **Dumfries and Galloway Council** constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (hereinafter referred to as "the **Council**"); and
- (2) **The South West of Scotland Transport Partnership** a regional transport partnership established under the Transport (Scotland) Act 2005 (hereinafter referred to as "the RTP")

WHEREAS:-

- (A) Functions were transferred from the Council to the RTP by virtue of the Transfer of Functions of the South-West of Scotland Transport Partnership Order 2006;
- (B) The RTP has no employees to carry out its statutory functions;
- (C) The Council is agreeable that its employees will provide Services to the RTP to enable it to continue to carry out functions in connection with transportation; and

Both parties recognise that there are advantages to inter-organisational working, to ensure cost-effectiveness, reduce duplication of effort, and ensure coordinated approaches on issues of common interest.

The Council agrees that it will require its Transportation Manager to fulfil the position of Lead Officer for the RTP within their duties. Such duties will include, but not be restricted to:

- Support for the Chair and the SWestrans Board in commissioning transport services for the public of Dumfries & Galloway
- As Lead Officer for SWestrans, hold responsibility for advising the Chair and Board on all matters to support their statutory duties, and be the point of contact on Transport matters for national organisations, including the Scottish Government
- Develop, implement and monitor Capital and Revenue Programmes for SWestrans
- Provide support to the Chair, including through Regional Transport Partnership Chairs meetings
- Develop and implement the Regional Transport Strategy and Delivery Plan
- Support the Chair and Board to ensure that SWestrans secures efficient and effective service delivery and improvements, meeting the

highest standards of probity, corporate governance, strategic leadership, management and sound administration, including financial administration.

The Transportation Manager is a Senior Officer post within the Economy and Infrastructure Department. The post reports to the Assistant Director transport and Infrastructure.

The Transportation Manager has responsibility for services within the Council, including the commissioning and delivery of transport-related functions.

The Council recognises that there may be occasions where the interests of the Council and the RTP may be separate.

The Council agrees that where the Lead Officer requires to take forward the interests of the RTP as distinct from the Council or the wider Community Planning Partnership, the Lead Officer will be accountable only to the SWestrans Board.

The Council's Director Economy and Infrastructure will in such circumstances represent the interests of the Council in relation to transport matters.

Where there is dispute as to the actions of the Lead Officer or the Director Economy and Infrastructure, the Chief Executive of the Council will be the designated arbiter, as Head of Paid Service for the lead body for Community Planning in Dumfries & Galloway.

Signed on behalf of:

Dumfries & Galloway Council

SWestrans

Signed

Signed

Malcolm Johnstone
Convener
Dumfries & Galloway Council

John Campbell
Chairman
Swestrans

Date

Date