

The South West of Scotland Transport Partnership

Guidance for Observers

1 Foundation

The Transport (Scotland) Act 2005 placed a duty on Scottish Ministers to create Regional Transport Partnerships (RTPs). The South West of Scotland Transport Partnership (SWestrans) is one of seven RTPs across Scotland. The others are:

- Strathclyde Partnership for Transport (SPT)
- South East Scotland Transport Partnership (SESTRAN)
- Tayside and Central Transport Partnership (Tactran)
- North East Scotland Transport Partnership (Nestrans)
- Highland Transport Partnership (Hitrans)
- Shetland Transport Partnership (ZetTrans)

SWestrans is an independent statutory body but operates in close cooperation with Dumfries and Galloway Council, NHS Dumfries and Galloway, and Scottish Enterprise. The SWestrans area is contiguous with that of Dumfries and Galloway Council.

2 Functions and Responsibilities

Under the provisions of the Transport (Scotland) Act 2005 the following transport functions have been transferred from Dumfries and Galloway Council to SWestrans:

- Formulation, consultation and publishing of policies;
- Promotion of passenger transport services;
- Procurement, management and administration of service subsidy agreements;
- Management and administration of concessionary travel schemes;
- Quality Partnership schemes;
- Ticketing schemes;
- Provision of information

SWestrans is a Model 3 RTP. This means that one of the functions transferred to it from Dumfries and Galloway Council is responsibility for procuring socially necessary public transport services

The Act also allows SWestrans to share responsibilities with Dumfries and Galloway Council in what is known as a “concurrent powers” arrangement. Interventions that could be undertaken on this basis include those where the Council and SWestrans share responsibility, such as promotion of Traffic Regulation Orders to introduce bus priority measures on the Council’s roads. Other passenger transport functions, notably schools transport, remain the responsibility of Dumfries and Galloway Council.

SWestrans and Dumfries and Galloway Council work in close cooperation to continue delivering passenger transport in an integrated fashion to ensure economies of scale and value for money.

3 Regional Transport Strategy and RTS Delivery Plan

A statutory requirement of the Transport (Scotland) Act 2005 is that each Regional Transport Partnership produces a Regional Transport Strategy (RTS). SWestrans Regional Transport Strategy was agreed after an extensive consultation exercise, and approved by Scottish Ministers in June 2008.

The high level aspirations of the RTS are translated into specific interventions in the RTS Delivery Plan. This document describes the actions SWestrans plans to take to realise its strategy, and the timescales and budgets for implementing these actions. Observers will find it helpful to familiarise themselves with both these documents.

As agreed at the SWestrans Board meeting on 15 July 2016 the Regional Transport Strategy is currently being refreshed.

4 Governance

The South West of Scotland Transport Partnership is governed by a Board consisting of seven members. Five of these are local councillors nominated by Dumfries and Galloway Council. The other two are referred to as 'external members'. One member each is nominated by Dumfries and Galloway NHS Board and Scottish Enterprise. The appointment of all Board Members is subject to the approval of Scottish Ministers.

5 Role of Observers

The terms of the *Transport (Scotland) Act 2005* provide for the appointment of: "one or more observers, that is to say, persons who may... participate in proceedings of the Partnership but who may not hold office in it or participate in its decisions."

Scottish Statutory Instrument 2005 No. 622, The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 states that:

"Each of the Partnerships and the Scottish Ministers may appoint such number of observers as they consider appropriate to the Partnership."

Regional Transport Partnerships – Guidance on Membership gives further advice on the role of Observers, where it prefers the term 'Adviser':

- The Act makes provision for the appointment of observers. That suggests a passive role but RTPs should consider appointing individuals who, as advisers, can make a valuable contribution. The provision enables a small RTP with a limited number of other members to provide additional seats at the table and allows a means for RTPs to bring to its discussions people with a useful input to make but who were not appointed as other members (an example might be transport operators where the risk of conflicts of interest may be high if the RTP has operational responsibilities for public transport). The term "adviser" seems a more accurate representation of this more active role and therefore, for their day-to-day business RTPs may prefer to use the term *adviser* in preference to the legal term *observer*, and the remainder of this guidance observes that principle.

- There is a clear difference in legal and formal status between board members and observers. Observers do not carry any responsibility and are likely to be drawn from either specific interest groups or to bring a particular knowledge or expertise. They may therefore not be expected to participate in all discussions or all meetings, only those for which their particular knowledge or interest is relevant. It is for the RTP to specify in Standing Orders the roles and rights of advisers at Board meetings.
- An RTP can choose not to appoint any observers at all.
- The Scottish Ministers can also appoint observers but this is intended to be used sparingly, if at all, and most likely only if it is felt strongly by Ministers that a particular view should be heard by the RTP and that this cannot be facilitated in any other way.

Scottish Ministers appoint an observer to SWestrans to provide liaison with the Scottish Government.

6 Conduct of Observers

Observers should keep in mind that they are invited into that role by the Board as advisers to assist them in making decisions which are in the best interest of the general public. When making a contribution Observers should have in mind the good of the whole community, not just that of the sector or interest group they represent.

During meetings of the Board it is the Members who bear responsibility for the decisions they make. Observers make their contributions at the invitation of the Chairman.

Although observers cannot hold office on the Board, they should nevertheless familiarise themselves with the standards which apply to Members, and endeavour to conform to that standard in their own behaviour. In particular, observers should be aware of On Board: A Guide for Board Members of Public Bodies in Scotland, and SWestrans' own Members' Code of Conduct, both of which are on the [SWestrans website](#)

7 Protocol for the Appointment of Observers and duration of Membership

When appointing Observers, the Board will take note of the Guidance on membership, and consider:

- Will the proposed individual have a useful input and make a valuable contribution,
- Does the individual represent a specific interest group,
- Does the individual bring a particular knowledge or expertise.

The Board will consider how the appointment of an individual as an Observer will affect the reputation of SWestrans.

Observers to the Board are appointed for 4 years.

Legislation provides the following guidance regarding resignation of observer status of removal by the Board:-

- An observer may resign at any time by written intimation to that effect to the Secretary of the Partnership
- The Board can remove observers if it is satisfied that they have been incapacitated by physical or mental illness, have been absent from the Partnership for a period longer than 3 consecutive months without permission of the Partnership, or is otherwise unable or unfit to continue as an observer.
- In practice as the SWestrans Board does not meet every month, 3 consecutive months will be interpreted as 3 consecutive meetings.

8 Support

The SWestrans Board is supported by a number of officers and a dedicated Support Unit. These include:

- Lead Officer (also Transportation Manager Dumfries and Galloway Council)
- Secretary to the Board
- Proper Officer (finance)
- 2 Policy and Projects Officers, SWestrans

Other officers of the partner organisations may attend on an ad hoc basis to give advice on specific areas of expertise.

Observers may contact the SWestrans Support Unit for help or advice, or if they have any queries on 01387 260372, or by emailing swestrans@dumgal.gov.uk. The SWestrans Support Unit address is Militia House, English Street, Dumfries, DG1 2HR.