

CARDIFF CAPITAL REGION CABINET

JOINT CABINET MEETING 20 NOVEMBER 2017

REGIONAL TRANSPORT AUTHORITY TERMS OF REFERENCE

REPORT OF CARDIFF CAPITAL REGION PROGRAMME DIRECTOR

AGENDA ITEM: 9

Reason for this Report

1. To agree the Terms of Reference for the Cardiff Capital Region Transport Authority; and
2. To establish the Cardiff Capital Region Transport Authority as a sub-committee of the Regional Cabinet.

Background

3. The JWA, in relation to the delivery of the Cardiff Capital Region City Deal, was signed and the Regional Cabinet established on March 1st, 2017. The JWA defines the City Deal as “*the agreement between the Welsh Government, the UK Government and the Councils dated 15 March 2016*”, known as the Heads of Terms.

4. The Heads of Terms (schedule 7 to the JWA) paragraph 24 states:

“In addition to this investment [Metro] the Cardiff Capital Region will establish a new non-statutory Regional Transport Authority to co-ordinate transport planning and investment, in partnership with the Welsh Government. The Cardiff Capital Region Transport Authority will be responsible for:

- *pooled local transport resources;*
- *regional planning for the local transport network;*
- *working with Transport for Wales to ensure objectives for transport investment are aligned;*
- *exploring the creation of a single integrated ticketing platform for public transport across the Cardiff Capital Region;*
- *working in partnership with Welsh Government to define the priorities of the South East Wales Metro concept and to support its delivery; and*
- *working in partnership with the Welsh Government to promote the development of integrated aviation routes from Cardiff Airport and St Athan Enterprise Zone, to deliver economic benefit.”*

5. Related to the establishment of sub-committees and the delegation of powers the JWA states:

10.18 Joint Committee May Delegate

10.18.1 *The Joint Committee may delegate any of the powers which are conferred on them under this Agreement:*

- (a) to such person, sub-committee or group;*
- (b) to such an extent;*
- (c) in relation to such matters; and*
- (d) on such terms and conditions, as they think fit from time to time.*

10.18.2 *The Joint Committee may allow that such delegation shall automatically authorise further delegation of the Joint Committee's powers by any person to whom they are delegated provided that the Joint Committee specifically states this within such delegation authority.*

10.18.3 *The Joint Committee may revoke any delegation in whole or part, or alter its terms and conditions at any time.*

10.19 Sub-Committees

10.19.1 *The Joint Committee shall establish as soon as reasonably practicable the following sub-committees or groups:*

- (e) Programme Management Office;*
- (f) Programme Board;*
- (g) Regional Transport Authority;*
- (h) Regional Business Organisation;*
- (i) Regional Skills and Employment Board; and*
- (j) Regional Economic Growth Partnership.*

10.19.2 *The Councils shall work together to create and agree terms of reference for, to the extent permissible by law, a Joint Audit Committee and a Joint Scrutiny Committee.*

10.19.3 *It is acknowledged and agreed by the Councils that the sub-committees or groups referred to in Clauses 10.19.1 and 10.19.2:*

- (k) shall undertake a number of functions including but not limited to audit, scrutiny and/or consultation services pursuant to their terms of reference; and*
- (l) shall not have any delegated decision making powers (unless otherwise expressly granted by the Joint Committee).*

10.19.4 *Sub-committees or groups to which the Joint Committee delegates any of its powers must follow procedures which are based as far as they are applicable on those provisions of this Agreement which govern the taking of decisions by the Joint Committee.*

10.19.5 *The Joint Committee shall establish the membership, rules of procedure or terms of reference for all or any such sub-committees or groups to, amongst other matters, clarify their respective role and scope of delegation which shall be approved by the Joint Committee.*

10.19.6 *The Joint Committee may create additional sub-committees or sub-groups as it sees fit from time to time.*

Issues

6. The Regional Transport Authority has met in 'Shadow' form and now seek to be formally established, in accordance with the JWA, by means of approval of their Terms of Reference by the Regional Cabinet.
7. The proposed Terms of Reference are contained in **Appendix 1** to this report and define the role and responsibilities of the Regional Transport Authority and the rules and procedures to which it must adhere.
8. The proposed Terms of Reference also details the delegated powers, conferred on the Regional Cabinet by the JWA, which are now proposed to be delegate to the Regional Transport Authority.
9. Whilst paragraph 24 of the Heads of Terms is widely worded and goes beyond City Deal wider investment fund matters, the Regional Cabinet cannot set up a sub-committee, which has wider powers than the Regional Cabinet itself enjoys. Further, the funding that can be delegated to the sub-committee to carry out its functions is limited to the funding available to the Regional Cabinet (in particular the HMT, Council Contributions and Annual budget - or more accurately part thereof).
10. At this stage it is therefore proposed to set up a Regional Transport Authority whose delegated functions include the preparation of regional transport strategies, policies, and proposals on the understanding that if thought appropriate further delegations could be sought from the Councils to the Regional Cabinet (and in turn the RTA).

Financial Implications

11. As outlined in the report, the Regional Transport Authority (RTA) has met in shadow form and a budget of £99,066 has been allocated from the Wider Investment Fund 'Top-Slice' to fund its work in 2017/18. Once formally established, Regional Cabinet's annual budget process will need to take account of the RTA's annual work programme to ensure that an appropriate level of resources are allocated to support the work of this sub-committee each year.
12. Section 12 of the Joint Working Agreement (JWA) approved by each of the ten Cardiff Capital Region City Deal Councils, details the 'Commitment of the Council and Contributions'. In summary, this outlines the following funding contributions that will be available to Regional Cabinet to carry out those functions delegated to it under the JWA:
 - 1) Annual Budget – provided by each Council on a proportionate basis;
 - 2) HMT Contribution – provided by Welsh Government over a period of twenty years and being the subject of both five yearly Gateways Reviews and Welsh Government Funding Terms & Conditions;
 - 3) Council Contributions – up to £120 million provided by the Councils on a proportionate basis subject to the overall Affordability Envelope.
13. Therefore, in delegating any of its functions to the RTA, Regional Cabinet will need to give due consideration to existing funding limitations placed on it by the JWA. However, it is a matter for Regional Cabinet to request additional funding, (seek an increase to the approved Council Contribution), which would be a matter reserved to each council for approval.

Legal Implications

14. The Cardiff Capital Region Joint Cabinet has the power to establish sub committees. As stated in the body of the report, the Joint Working Agreement provides that the

Regional Cabinet shall establish a Sub-Committee or group, referred to as the Regional Transport Authority.

15. It is a matter for the Regional Cabinet to establish the membership, and terms of reference of the Sub-Committee and in such terms to clarify the role and scope of delegation. In terms of the extent of the delegation proposed reference is made to paragraphs 9 and 10 of the report.
16. The terms of reference set out the important proposals as to, the functions delegated, membership, quorum and voting rights (which voting rights mirror the JWA). Regional Cabinet are requested to consider if these proposals meet their requirements.
17. The RTA sub committee should take appropriate legal and other advice in respect of any proposed decisions it wishes to take as regards the matters delegated to it.
18. This report focuses on the establishment, by the Regional Cabinet of the RTA Sub-Committee. Separate to this matter the 10 authorities may wish to consider what action if any, they wish to take in respect of the Agreement concluded on 1.9.2004, which served to establish a joint committee in respect of certain prescribed transportation functions. The Sub-Committee being referred to The South East Wales Transport Alliance.
19. General advice
In considering this matter regard should be had, amongst other matters, to:
 - (i) The Councils' duties under the Well –being of Future Generations (Wales) Act 2015 and;
 - (ii) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief.

Equalities Impact Statement

20. See Legal Implications above.

Reasons for Recommendations

21. To establish the Regional Transport Authority as a sub-committee of the Regional Cabinet.

RECOMMENDATIONS

It is recommended that the Cardiff Capital Region Cabinet:

- 1) Agree the Terms of Reference for a Cardiff Capital Region Transport Authority as detailed in Appendix 1 to this report; and
- 2) Establish the Cardiff Capital Region Transport Authority as a sub-committee of the Joint Cabinet

Sheila Davies
Cardiff Capital Region City Deal Programme Director
14th November 2017

The following Appendix is attached:

Appendix 1: **Cardiff Capital Region Transport Authority Terms of Reference**

Background papers - **Joint Working Agreement in relation to the delivery of the Cardiff Capital Region City Deal**

Appendix 1: Cardiff Capital Region Transport Authority Terms of Reference

Governance Type	<p>The Regional Transport Authority is being established by the Regional Cabinet as a Sub-Committee pursuant of section 10.19 of the Joint Working Agreement in relation to the delivery of the Cardiff Capital Region City Deal (JWA).</p> <p>Specifically, the Regional Cabinet will establish a new non-statutory Regional Transport Authority (RTA).</p>
Delegated Powers	<p>The Regional Transport Authority shall not have any delegated decision making powers unless expressly granted by the Regional Cabinet.</p> <p>The Regional Cabinet have currently granted delegated decision making powers to the Regional Transport Authority as detailed in the 'Functions' section below.</p> <p>Any member of the RTA Sub-Committee may request that any matter delegated to the Sub-Committee is referred to the Regional Cabinet for decision</p>
Procedures	<p>The Regional Transport Authority in its meetings and in exercising any of its decision making powers must follow procedures which are based, as far as they are applicable, on those provisions detailed in the Joint Working Agreement which govern the Regional Cabinet or to the extent the provisions of the Joint Working Agreement are silent must follow the Committee Meeting and other relevant Procedure Rules, standing order and polices of the Accountable Body.</p>
Accountable to	<p>The Regional Transport Authority will be accountable to the Regional Cabinet.</p>
Reporting	<p>In respect of the Objectives listed the Regional Transport Authority can prepare reports for information or to provide recommendations to the Regional Cabinet.</p> <p>On delegated matters the Regional Transport Authority can prepare reports for consideration and make decisions.</p>
Membership	<p>RTA membership will include:</p> <ol style="list-style-type: none"> 1. Two members of the Regional Cabinet, nominated from time to time by the Regional Cabinet, who will act as Chair and Vice Chair of the sub-committee; and the Executive Member for the time being with responsibility for Transport from each of the ten Local Authorities in the Cardiff Capital Region. 2. Each Council shall be entitled from time to time to appoint a deputy for its representative but such deputy (in each case) shall only be entitled to speak and vote at meetings of the Joint Committee in the absence of his or her corresponding principal <p>Note: the Chair and/or Vice Chair can also act as the Executive Member for Transport of their Local Authority A representative so appointed shall hold office until</p>

	<p>(A) the member ceases to hold the office referred to in paragraph 1 or 2 above, (B) the member dies, (C) the member resigns, (D) the member becomes disqualified (E) the member ceases to be a member of the Council he or she represents or (F) The Council, which the member represents, has decided that another member should act in his place, whichever may first happen.</p> <p>Any member of the RTA Sub-Committee may by written request to the Regional Programme Director request that a matter be considered at the next meeting of the Sub-Committee.</p> <p>Any member of the Sub-Committee may, where he or she views that a matter requires urgent consideration, request to the Chairperson at the start of the Sub-Committee meeting that such urgent item is added to the agenda, but its inclusion will be a matter for the Chairperson to decide.</p> <p>Third parties Transport users, industry, partner representatives and appropriate third parties may be invited by a member or members of the RTA Sub-Committee to attend meetings as an observer and shall be entitled to take part in such RTA sub committee meetings at the discretion of the Chairperson. Such observers will not have voting rights and will be considered as members of the public for the purposes of the sub committee's procedural rules.</p>
Voting/Agreement	<p>For delegated matters - as per the Regional Cabinet. Decisions will be taken by majority vote For avoidance of doubt each of the ten constituent Local Authorities is entitled to one vote only and it is agreed that the Chairperson shall not exercise his or her casting vote.</p> <p>If, at a meeting of the Sub-Committee, a matter is not determined (the vote is tied) that matter ("RTA Unresolved Matter") shall be deferred for consideration at the next RTA Sub-Committee meeting, which shall be convened within ten (10) Business Days of the meeting at which the tied vote was taken. If at the reconvened RTA Sub-Committee meeting the RTA Unresolved Matter is not determined, the RTA Unresolved Matter shall become a matter reserved to the CCCD Regional Cabinet and shall be deferred for consideration by the CCRCD Regional Cabinet.</p>
Quorum	<p>The quorum necessary for a RTA sub Committee meeting shall be an elected member or appropriate deputy appointed from at least seven (7) of the Councils comprising the CCRCD, present at the relevant time.</p>
Frequency	<p>The Regional Transport Authority will meet quarterly or more frequently as required to complete business.</p>
Allowances	<p>No allowances will be paid.</p>
Servicing	<p>Within the resources made available by the Regional Cabinet for the RTA sub committee's work, the Regional Office will organise appropriate servicing for Board meetings.</p>

	<p>The Regional Programme Director shall ensure that all agendas and relevant information in relation to the Sub-Committee meeting are circulated in a timely manner and in any event in accordance with legislative requirements.</p> <p>A Regional Officer Transport Group, (a non - decision making group) comprising of one nominated officer from each authority, will provide support to the Regional Transport Authority and the Regional Office on transport matters. Each authority shall be entitled from time to time to appoint a deputy for its representative but such deputy (in each case) shall only be entitled to attend meetings in the absence of his or her corresponding principal. .</p> <p>Each authority will be responsible for funding all costs associated with its officers' attendance at such Regional Officer Transport Group and any associated work undertaken, unless prior arrangements have been approved by the Regional Cabinet.</p>
Resources	<p>The resources for servicing and undertaking of functions will be limited to that made available within the City Deal and allocated by the Regional Cabinet to the RTA Sub-Committee to discharge its functions.</p> <p>The budget allocated to the RTA Sub-Committee to discharge its functions shall be as determined, from time to time, by the Regional Cabinet. At all times decisions taken by the RTA sub committee must be within the approved budget set by the Regional Cabinet, including any reallocation of external funding received by the Regional Cabinet.</p>
Objectives	<p>Subject to funding, to facilitate the City Deal by:</p> <ol style="list-style-type: none"> 1. Developing and coordinating proposals for an integrated regional transport strategy that supports the strategic economic and spatial aspirations of the City Deal and Cardiff Capital Region (CCR). 2. Working in partnership with Welsh Government and Transport for Wales to define and develop the priorities of the South East Wales Metro concept and support its delivery, including the development of a single integrated ticketing platform for public transport across the region. 3. In respect of the Capital Region considering proposals for: <ul style="list-style-type: none"> • enhancing transport connectivity in support of economic development and land use planning including the promotion of integrated aviation routes. • ensuring that safety, sustainability, social inclusion, health and the environment are considered in transport policies and programmes, meeting the requirements of the Well-being of Future Generations Act. • pursuing high quality standards for transport utilising best practice and innovation; and to identify and monitor outputs and outcomes.
Functions delegated to the RTA sub committee	<p>Subject to funding, to facilitate the City Deal by:</p> <ol style="list-style-type: none"> a. preparing regional strategies, including a Regional Transport Plan, comprising transportation policies, proposals and programmes, in support of the aim and objectives set out above for submission to the Regional Cabinet for approval;

	<ul style="list-style-type: none"> b. working with Welsh Government, Transport for Wales, user groups, industry and other stakeholders to coordinate transport planning and operations across the region on behalf of the Regional Cabinet; c. developing transport Candidate Schemes for assessment under the Appraisal Framework; d. providing advice and observations related to Candidate Schemes, with transport implications, submitted to the Regional Cabinet by other bodies.
Sub-Groups	The Regional Transport Authority, can establish sub-groups or Task & Finish Groups for any matters that they consider would be better dealt with in this manner, but shall not be entitled to delegate any of its decision making functions to any such sub group or task and finish group.
Version & Review	Version 1 – Prepared October 2017 Review - To be reviewed March each year (unless agreed otherwise).