

THE CONSTITUTION OF THE WESTERN GATEWAY SUB-NATIONAL TRANSPORT BODY

1. Introduction

- 1.1. The Cities and Local Government Devolution Act makes provision for the establishment and constitution of Sub-National Transport Bodies (STB) for any area in England (outside of Greater London).
- 1.2. The role of a STB is to prepare a regional transport evidence base for an area which would set out proposals for strategic transport investment in infrastructure and services.
- 1.3. This Constitution will govern the running of the shadow Body and will form the basis of the development of a regional transport evidence base.

2. Constituent Authorities

2.1 The Constituent Authorities are the following Local Transport Authorities:-

- Bath and North East Somerset Council
- BCP Council (Bournemouth, Christchurch and Poole)
- Bristol City Council
- Dorset Council
- Gloucestershire County Council
- North Somerset Council
- South Gloucestershire Council
- West of England Combined Authority (WECA)
- Wiltshire Council

3. Area covered

3.1 This will be the administrative area of the Constituent Authorities.

4. Name

4.1 The name of the body will be Western Gateway Sub-National Transport Body (WGSTB).

5. Functions of the Terms of Reference

- 5.1. The Appendix to this Constitution sets out the Terms of Reference of the WGSTB. This complements the Board's formal list of functions set out in 5.2 below. For the avoidance of doubt, the Board's formal list of functions will be exercised in accordance with the clause 11 (Decision Making Arrangements).
- 5.2. The WGSTB Board will:
 - a) Develop and publish a Strategic Transport Plan for the Western Gateway area
 - b) Develop a regional transport evidence base for the Western Gateway to identify and prioritise scheme delivery for consideration by the Department for

Transport

- c) Enable a more effective and meaningful engagement with the Department for Transport, infrastructure agencies (including Highways England and Network Rail), service providers (such as bus and rail operating companies) and Homes England
- d) Provide the focal point for discussions with Government on strategic transport and infrastructure investment decisions within the Western Gateway area
- e) Agree the sequencing of priorities/schemes with Highways England and Network Rail to ensure there is a joint approach to the development and delivery of strategic infrastructure
- f) Provide the opportunity to share technical expertise and resources across the Constituent Authorities to assist with the development and assessment of proposals
- g) Develop proposals for responsibilities and accountabilities (including their delegation) for the WGSTB Board including governance and assurance arrangements. Any amendments required to the shadow Board's Constitution as a result will be subject to the approval of the Constituent Authorities

6. Membership

- 6.1. Each Constituent Authority will appoint one person as a member of the WGSTB Board. Should the local authority governance arrangements in any local transport authority area change, the WGSTB Board will review the membership to accommodate the changes. The person appointed by each Constituent Authority will be the elected Cabinet Member.
- 6.2. New membership applications will be considered and determined by the WGSTB Board.
- 6.3. Each Constituent Authority will appoint another senior councillor or a senior officer as a substitute to act as a member of the WGSTB Board in the absence of the person appointed. Continuity of membership is an imperative during the shadow stage of the operation hence the need to appoint a named councillor or an officer as a substitute.
- 6.4. Constituent Authorities of the WGSTB are free to take associate (co-opted) membership of other STBs.
- 6.5. The WGSTB Board may choose to appoint one of its Constituent Authority representatives to represent the views of the Board at other STBs.

7. Associate Members

- 7.1 The WGSTB Board can appoint representatives of other organisations as associate members of the WGSTB Board where their participation is seen as adding value.
- 7.2 It is anticipated that representatives of the following organisations will be invited to participate as associated members of the WGSTB Board to establish a

collaborative partnership and enable a single co-ordinated conversation:

- a) The chair of the stakeholder group created by the Board to represent local stakeholders
- b) One representative each from the Department for Transport, Highways England, Network Rail and Homes England
- c) One representative from each neighbouring STB

7.3 Organisations with associate membership status will be able to appoint a substitute to act as a member of the WGSTB Board in the absence of the person appointed. Substitutes should have an equivalent level of representation and authority to the appointed member.

7.4 Applications to become an associate member of the WGSTB Board must be submitted in writing and will be considered by the Board on an individual basis.

8. Election and role of Chair and Vice-Chair

8.1 The Chair and Vice-Chair will be elected from the Local Transport Authority representatives on the WGSTB Board. The first election will take place at the first formal meeting of the WGSTB.

8.2 The initial term will last for 12 months. Arrangements for the role of Chair and Vice-Chair will be reviewed prior to end of this initial term to ensure continuity.

8.3 In the absence of the Chair, the Vice-Chair will Chair the meeting. In the absence of the Chair and Vice-Chair, the voting members present will appoint a Chair for the duration of the meeting from within the Constituent Authority elected member representation.

9. Voting

9.1 Each member of the WGSSTB Board as set out in 6.1 shall be entitled to one vote. Substitutes appointed by the Constituent Authorities shall also be entitled to one vote when substituting for the named representative at a meeting of the Board.

9.2 Associate members shall be non-voting members of the WGSTB, except to the extent that the voting members of the Board resolve that Associate Members shall have voting rights.

9.3 There is a presumption that decisions of the WGSTB Board are normally by consensus of the voting members present. In exceptional circumstances where consensus cannot be achieved, a formal vote shall be taken. Where a formal vote is required the matter shall be decided by a simple majority of those members present and entitled to vote as agreed by the Board.

9.4 Where there are equal votes, the Chair of the meeting will have the casting vote.

9.5 The Board's quorum shall be four voting members of the Constituent Authorities.

10 Meeting requirements of the WGSTB Board

10.1 Meetings of the WGSTB Board will be held in accordance with the Local Government Access to Information rules. Accordingly:

- a) Meetings will be held in public although the public may be excluded from meetings or parts of meetings where a report contains confidential or exempt information of where members' debate may lead to disclosure of confidential or exempt information
- b) At least five clear working days' notice will be given, in writing, to each member of every ordinary meeting of the Board, to include an agenda and accompanying reports relating to the business to be transacted at the meeting. Late items will only be considered in exceptional circumstances, with agreement of the Chair and in accordance with the Access to Information rules
- c) Meetings of the WGSTB Board will be held at least quarterly with meeting arrangements including dates and times agreed by the lead authority in consultation with the Constituent Authorities
- d) Agendas, minutes and reports of the WGSTB Board will be published on-line. The only exception to this relates to confidential or exempt information.

10.2 Where required, extraordinary meetings can be held with the agreement of the Chair.

10.3 Subject to the contents of this Constitution, meetings of the WGSTB Board will be held in accordance with the Constitution and Standing Orders of the Lead Authority.

10.4 Stand alone scrutiny arrangements will not be established for the shadow body. During the shadow phase of operation each of the Constituent Authorities will use their own scrutiny arrangements for assessing the performance of the WGSSTB Board.

10.5 Individual members of the WGSTB Board will be responsible for ensuring their organisation is kept briefed on the work of the Board.

10.6 WGSTB Board recommendations to the Constituent Authorities for decision will be made via a single template report to ensure consistency for reporting and decision making. In addition to the decision report, regular update reports about the work of the Board will be submitted to the Constituent Authorities for information.

10.7 The WGSTB Board may invite third parties to participate in meetings of the board and/ or be members of project teams established by the Board.

10.8 Third parties may request to address the WGSTB Board on a specific issue or proposal. The Chair of the Board will determine whether to grant the request.

11 Decision-making Arrangements

11.1 The WGSTB will not operate formal statutory executive arrangements. Instead, each member of the Board will retain their existing accountabilities and responsibilities for transport for their Constituent Authority. The assumption is that individual transport authority representatives have a consistent level of delegated authority from their Council Leader to participate in the business of the Board.

11.2. The WGSTB Board has full decision-making responsibility for the functions set out in paragraph 5.2 above, subject to the following requiring approval for the constituent authorities:

- a) Strategic Transport Plan for the Western Gateway area
- b) The criteria to inform strategic priorities for investment
- c) Any additional budget contributions required to support the work of the Board beyond the agreed operating budget of the Board
- d) Any changes recommended to the Board's Constitution

11.3 The functions of agreeing a budget and the Strategic Transport Plan will not be delegated functions and will only be determined at a meeting of the full Board.

11.4 The WGSTB Board may delegate the discharge of agreed functions to the officers of the Constituent Authorities as set out in the terms of reference as set out the Appendix.

11.5 The WGSTB Board may delegate the discharge of its functions to a Working Group or officer, or to another Local Authority. As such, the WGSTB Board may establish a sub-group (s) to discharge any functions, subject to 11.2 above.

12 Governance Structures

12.1 The officer support structure for the WGSTB Board is as follows:

- **WGSTB Board** – this is the decision-making body of the SSTB.
- **WGSTB Senior Officer Group** – this will comprise senior officers from the Constituent Authorities. It will provide expertise and recommendations to the Board and will oversee delivery of the programme.
- **WGSTB Stakeholder Group** (Transport and Business Forum)– this will be an advisory body to the Senior Officer Group and shadow Board, comprising a wider group of representatives including but not limited to; the CBI, LEPs, Universities, public transport operators and port authorities, as well as Government and National Agency
- **WGSTB Programme Management Group** - will comprise officers from the Constituent Authorities. This will be kept under review and may vary according to the work programme and funding available.

12.2 The officer groups will maintain an overview of the activities taken forward as part of the Board and ensure that the work programme adopted by the Board is delivered and appropriate decisions taken by the Constituent Authorities.

12.3 The Board may establish sub-groups where this is appropriate in order to address specific issues: sub-groups may be either time-limited in their duration or standing sub-groups where the issue is on-going.

13 The Programme Management Group

13.1 The WGSTB will not be able to enter into contracts or employ staff in its own right. The WGSTB Programme Management Group will coordinate the WGSTB work programme and manage the day to day operation of the WGSTB, in summary it will:

- a) Co-ordinate and administer the meetings of the WGSSTB Board
- b) Manage the budget for, and the sound financial management of the WGSTB. The budget will be allocated in accordance with the decisions of the WGSTB Board;
- c) Claim, draw down and account for all funds due from the Constituent Authorities and any other body;
- d) Keep appropriate accounting and operational records;
- e) Procure on behalf of the Constituent Authorities such external support, advice or consultancy services that are considered necessary by the shadow WGSTB Board or the Senior Officer Group; and
- f) Prepare a communications and marketing strategy for the shadow WGSTB for the approval of the shadow WGSTB Board and then to implement the strategy.

13.2 The composition of the Western Gateway STB Programme Management Team includes:

- National STB Liaison and Partnership Lead
- Secretariat Lead
- STB Programme Manager
- Technical Programme Leads
- Project Admin Assistant
- Communications and Stakeholder Engagement Lead

14 Due Diligence

14.1 Due Diligence checks will be undertaken by WGSTB Programme Management Group, but principally by the local authority appointed as Secretariat for all projects approved by the WGSTB Board. These checks will be in addition to Secretariat's role in providing accounting and reporting support to the WGSTB Board and any external funding provider as well as responsibilities for requests under the Freedom of Information Act, dealing with complaints, and the provision of legal and other advice e.g. environmental, equalities, conflicts of interest etc.

14.2 The Due Diligence process presumes that all projects requiring WGSTB Funds will have undergone an appraisal as part of the project management approval process. The prioritisation and programming of the projects is a matter for the WGSTB Programme Management Group, although WGSTB Senior Officer Group will provide advice on any implications of the project.

14.3 Prior to any projects being commissioned, the following areas (also known as the Five Cases Methodology) will be examined as part of the Due Diligence process.

- Strategic
- Financial
- Economic
- Delivery
- Management

a) Strategic

The rationale behind the need and demand for the project will be examined, confirming the contribution to the WGSTB’s formal list of functions and identifying any changes since the project was approved that might otherwise affect the consideration and approval of funds.

b) Financial

The latest detailed cost and funding profiles will be established and documented. Checks will be made on the organisation’s own accounting and audit arrangements. It may be appropriate to verify assumptions made for any income streams that could impact on a project’s viability, as well as examining any ongoing revenue costs and funding.

c) Economic

Here the process will ensure that the preferred project has emerged from a robust consideration of alternative options (including do nothing) with clear and reasonable assumptions underpinning the identification of outputs and outcomes.

d) Delivery

The latest timetable for the project will be examined with key milestones identified for inclusion in the Commissioning brief. The procurement process will be examined to ensure that this meets with UK rules. The contribution to social value and the environment will be reviewed. The existence of a risk register and the arrangements for keeping this up to date will also be examined.

e) Management

Checks here will determine the nature of the Organisation receiving funding as well as financial checks as part of the Know Your Customer (KYC) principles. The resources and skills of the delivery team will be examined to satisfy the ability to deliver the project or multiple projects. Roles and responsibilities will be examined, including authorisation and delegation levels to individual officers, and the reporting arrangements. In the absence of a formal communications or marketing strategy the arrangements for publishing progress to stakeholders, client base and general public will be examined. Finally, the arrangements for capture and measure of both financial and economic benefits will be examined along with the reporting of these as part of a transparent and ongoing monitoring process, together with how these will be used in the evaluation of the project post completion.

- 14.4 The Due Diligence report resulting from the above will summarise the key components of cost/funding, key milestones underpinning the critical path for delivery of the project, and outputs/outcomes of the project. The template for this report is provided overleaf:

General	
Project	Name of the project
Contact	Name, email, telephone of primary contact for the project

Location	Physical location and/or geographic cover of the project
Description	Brief description of the project
Strategic	
Rationale	What is the rationale for the project? - Why is public funding necessary?
Need/Demand	What is the need and demand for the project?
Aims	Which WGSTB objectives does the project address?
Fit	What other strategies does the project fit?
Financial	
Funding	Identify full costs of the project
Accounting	Set out the accounting arrangements e.g. how payments made (invoices or claims), who certifies for payment, where records are held, treatment of VAT etc
Post Project	Are there on-going cost implications and if so how will these be funded?
Economic	
Options	What other options were considered?
Outputs	What are the expected project outputs?
Outcomes	How will these support the Strategic Transport Plans identified outcomes?
Delivery	
Timetable	Confirm project timetable identifying key milestones
Procurement	Outline the procurement strategy ? Basis for contractor selection?
Risk	Set out Risk management strategy including allocation/transfer Confirm Risk register in place and arrangements for maintaining
Management	
Capability	Does the delivery team possess the necessary skills and resources to deliver the project? Are there multiple projects that are the responsibility of the same team, and if so how managed with the project?
Governance	Are there clearly defined role responsibilities including authorisation and delegation levels? What are the reporting arrangements?
Communication	How will the project communicate with stakeholders? Is there a marketing strategy?
Monitoring	What are the arrangements for monitoring for both finance and economic benefits?
Evaluation	How will the completed project be evaluated?
Summary	
Total Cost	Total cost of the project
Milestones	Key dates for the critical path for delivery and implementation

Appendix

Western Gateway Sub-National Transport Body

Terms of Reference

1. Purpose

- 1.1 These terms of reference concern the Western Gateway Sub-National Transport Body (WGSTB) and its associated sub-groups.

2. Sub-National Transport Bodies (STBs)

- 2.1 Local authorities across England are embracing the new legal powers and duties set out under the Cities and Local Government Devolution Bill to form Sub-National Transport Bodies (STB).
- 2.2 These bodies will advise Government on the strategic investment priorities across their functional economic geographies to further economic growth.

3. The Western Gateway

- 3.1 The WGSTB is formed by an alliance of local authorities that have made a commitment to work together to drive innovation, maximise economic growth, housing delivery and improve industrial productivity by strengthening strategic travel connections to local, national and international markets.
- 3.2 There is firm consensus across the South West region that the formation of two STBs will be the most efficient and effective way to deliver infrastructure that keeps pace with the accelerated growth programmes.
- 3.3 The Gateway area is home to over 3 million people and is set for a step change in prosperity and productivity through an ambitious growth agenda over the next 20 years delivering 300,000 new homes and over 190,000 new jobs. It is both a highly desirable destination as well as a facilitator of movement through nationally significant travel corridors. The Gateway area links England's South Coast to the Midlands; London and the South East to South Wales and the South West Peninsula to the rest of the UK.
- 3.4 The role of a WGSTB is to provide the strategic leadership by providing one single voice when discussing strategic transport infrastructure requirements with Government. These conversations will be supported by the production of a regional evidence base and a long-term Strategic Transport Plan.
- 3.5 The collaborative development and management of both STBs will continue to be discussed by Senior Officers attending the South West ADEPT Board.

4. Statement of Purpose

- 4.1 The functions of the WGSTB are set out in section 5 of the Constitution.
- 4.2 Through fulfilling these functions the WGSTB will be able to:

- Identify and maintain a single overview of strategic transport priorities in liaison with stakeholders as appropriate
- Manage the resources available to establish project teams as a means of providing the leadership required to develop strategic proposals, including engagement with business and wider community
- Establish joint teams to undertake and commission work to secure investment funding to enable the delivery of strategic proposals
- Work with Government and its agencies to co-design nationally delivered transport investment programmes
- Utilise the joint view of investment priorities for the Western Gateway area to influence funding processes including: Highways England's Road Investment Strategy; The National Road Fund (Major Road Network and Large Local Majors); and Network Rail's Control Periods

4.3 The WGSTB will enable the partners to realise:

- An accelerated growth programme, raising productivity across the region above the projected local and national baseline
- Greater added value through sharing knowledge, skills and resources
- More efficient operation of strategic and major road networks
- Improved resilience and reliability of the transport system, particularly during periods of disruption (both planned and unplanned)
- More effective engagement with, and influence over decision making at the national level
- Enhanced job opportunities and accelerated housing delivery enabled through improved strategic transport systems
- Improved national and international connection in to, out of and across the Western Gateway Area
- Improved links to our ports and airports enabling freight and goods to move more efficiently.