

FOUNDING DOCUMENT FOR BERKSHIRE LOCAL TRANSPORT BODY

Local Transport Body for Thames Valley Berkshire

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STATUS

This Founding Document has been adopted by Thames Valley Berkshire Local Enterprise Partnership, and has been recommended for adoption by the Berkshire Leaders' Group. Reading and Slough Councils have adopted it; Bracknell Forest, West Berkshire, Windsor and Maidenhead and Wokingham Councils are in the process of formal adoption. The inaugural meeting of the Berkshire Local Transport Body will be held on Thursday 14 March 2013.

PREAMBLE

The Local Enterprise Partnership (LEP), the six local transport authorities¹, the Department for Transport (DfT), Network Rail, the Highways Agency, Heathrow Airport Limited, and some train and bus operating companies have developed a forum for discussion and consultation on matters of mutual interest relating to Strategic Transport issues in Thames Valley Berkshire. We call this body "Berkshire Strategic Transport Forum" (BSTF). It operates at two levels: one with elected members² and business representatives³; the other with senior transport officers. The Berkshire Chief Executives' Group have recognised the importance of these arrangements by nominating one of their number⁴ to chair the officers' meeting and liaise with the LEP and the Members.

In Thames Valley Berkshire, we have welcomed the decision of the DfT to devolve the funding for local major transport schemes, and we have decided to amend and adapt the existing BSTF arrangements to conform to the guidance of establishing Local Transport Bodies.

Our Local Transport Body will be known as Berkshire Local Transport Body (BLTB). The BSTF will continue to meet to transact business other than LTB business, and only those parts of its business that relate to the operation of the LTB scheme will conform to this founding document.

PART ONE: PURPOSE STRUCTURE AND OPERATING PRINCIPLES

1. Name (Guidance Paragraph 1): the Local Transport Body for Thames Valley Berkshire will be known as "Berkshire Local Transport Body" (BLTB).
2. Geography (Guidance Paragraph 2): the BLTB will comprise the Local Enterprise Partnership area of Thames Valley Berkshire, which covers Bracknell Forest, Reading, Slough, West Berkshire, Windsor and Maidenhead and Wokingham Councils.
3. Membership and Voting (Guidance Paragraphs 3-8): there will be 12 members of the BLTB, nominated as follows:
Six business representatives nominated by Thames Valley Berkshire Local Enterprise Partnership (6);

¹ Bracknell Forest, Reading, Slough, West Berkshire, Windsor and Maidenhead and Wokingham Councils

² 6 councillors, usually the relevant Lead/Cabinet/Executive Member for Strategic Transport

³ 6 business people nominated by the Local Enterprise Partnership

⁴ Currently Ruth Bagley, Chief Executive at Slough Borough Council

One Councillor nominated by Bracknell Forest; Reading; Slough; West Berkshire; Windsor and Maidenhead; and Wokingham Councils (6, each with a named substitute who will be the only permitted deputy).

There shall be appointed a Chair from among the local authority members and a Deputy Chair from among the LEP members.

Each member shall have one vote. In the event of an equality of votes on any matter, a second and casting vote shall be given to the Chair of the meeting. This vote shall not be cast for the view supported by a minority of local authority votes.

In the event that there is a majority (in the 12) for a scheme to proceed but not a majority amongst the six local authority members for the same, there will be a review of the circumstances leading to such an outcome. Once concluded, and if there is no change to the likely outcome of a further vote, the scheme will be referred to the LEP Forum and to Berkshire Leaders for further consideration before being brought back to the LTB.

The membership and functioning of the LTB will be kept under review by the LEP Forum and by the Berkshire Leaders Group, and amendments and alterations made on an ad hoc basis when the need arises.

4. Conflicts of Interest, Gifts and Hospitality (Guidance Paragraphs 9-12): a role description [Appendix 1](#) sets out that when conducting the business of the BLTB all members are expected to serve the interests of the Thames Valley Berkshire area. It also sets out expectations on the declaration and management of personal, financial and other interests, and on the treatment of any gifts or hospitality in connection with BLTB business.

For elected councillors, their membership of the BLTB will be as a representative of their Council, and so their behaviour, conduct, declarations of interest and other matters will be in accordance with the Code of Conduct of their own Council. For LEP-nominated members, there are similar arrangements (set out in [Appendix 1](#)), which mirror the requirements on members of the LEP Forum.

5. Status and Role of Accountable Body (Guidance Paragraphs 13-17): Slough Borough Council will be the Accountable Body for the BLTB. It will hold, manage and account for all monies associated with the operation of the devolved Local Major Transport Schemes programme. It will also ensure that:
 - the decisions and activities of the BLTB conform with legal requirements
 - through their s.151 Officer, the funds are used appropriately
 - the assurance framework as approved by DfT is being adhered to.
 - an official record of BLTB proceedings is maintained and that all BLTB documents are accessible

The Accountable Body will also be legally responsible for the conduct of the BLTB in respect of its management of the devolved Local Major Transport Scheme funding.

6. Audit and Scrutiny (Guidance Paragraphs 18-20): in addition to the general arrangements made by the Accountable Body for the general safekeeping and safe management of the devolved Local Major Transport Scheme funds, the s.151 officer will arrange for an audit of compliance with the approved assurance framework to be conducted no later than December 2014, and annually thereafter. The audit reports so generated will be submitted both to the BLTB and the DfT.

7. Strategic Objectives and Purpose (Guidance Paragraph 21): the BLTB will have the following objectives:
- To remove barriers to economic growth by bringing forward an investment programme for developing and improving the transport infrastructure of the Thames Valley Berkshire area
 - To establish and keep under review a prioritised list of local major transport schemes
 - To use DfT methodologies for assessing and evaluating the relative merit of competing schemes, and to subject all proposals to independent scrutiny
 - To ensure value for money is achieved from individual schemes and the overall investment programme
 - To monitor the progress of scheme delivery and spend
 - To actively manage the devolved budget and programme to respond to changing circumstances
8. Support and Administration Arrangements (Guidance Paragraphs 22-24): The Accountable Body will supply appropriate support and administration to fulfil the responsibilities on financial management; audit; meeting management; legal and procedural advice.

In line with the history of cooperation and joint working between the six councils and others through the mechanism of the Berkshire Strategic Transport Forum, the six councils will support the work of the BLTB with professional advice on transport matters. This advice will be delivered through three distinct channels:

- a. The identification and promotion of individual schemes for support from the BLTB, with appropriate officer liaison via the BSTF officers group with other councils and with other transport colleagues
- b. The commitment to giving and receiving independent scrutiny on a mutual basis with colleagues in neighbouring LTB areas
- c. Advice and support to councillors and LEP nominees who are members of the LTB

This contribution will be in the form of the officer time of relevant senior officers (or retained consultants), as is commensurate with the resources available to each of the councils. Given the initial forecast of the likely size of the capital budgets available, it has been determined that it will not be necessary to identify full- or part-time staff permanently devoted to the business of BLTB.

The BSTF Officers' group will continue to be the primary forum for discussing, sharing, evaluating and preparing formal business for the BLTB. The Berkshire Chief Executives' Group has identified this as an important group, and has nominated one of their number⁵ to chair the group, which is also actively supported by the LEP, DfT, Network Rail, the Highways Agency, Heathrow Airport Limited and transport operators.

The independent scrutiny of business cases will be supplied on a mutual basis with neighbouring Local Transport Bodies.

9. Working Arrangements and Meeting Frequency, Transparency and Local Engagement (Guidance Paragraphs 25-33): The BLTB has a schedule of at least three meetings a year in order to determine the composition of the scheme programme, and individual scheme investment decisions. The clerk to the BLTB will set the meeting dates at least a year ahead according to the planning cycle of the municipal year, and the meetings will be included in the formal calendar of meetings for that Council.

⁵ Ruth Bagley, Chief Executive, Slough Borough Council

The arrangements for advertisement of meetings, the publication and circulation of papers, response to FOI and EIR⁶ requests, compliance with the Code of Recommended Practice for Local Authorities on Data Transparency and other similar codes of practice will be a matter for the Accountable Body, and will conform to the operating practices of the host council.

The meetings of the BLTB will be followed immediately by meetings of the Berkshire Strategic Transport Forum. There will be regular meetings of officers, and the papers, proposals, and other relevant documents for the BLTB will be circulated to this group for comment and advice. This group includes colleagues from DfT, Network Rail, the Highways Agency and other transport interests.

Further, we will require each of the councils submitting schemes for consideration, at programme entry, conditional approval, full approval, or any other stage, to conduct appropriate stakeholder consultation in their own area, and to publicise their plans.

10. Complaints and Whistleblowing (Guidance Paragraphs 34-35): these matters will be dealt with as part of the Accountable Body arrangements

PART TWO: PRIORITISATION

11. Development of Scheme Programme (Guidance Paragraphs 36-46): BLTB will develop a methodology for the prioritisation of schemes using at least the following criteria (or suitable proxies):
 - a. Maximum strategic impact
 - b. Economic impact
 - c. Value for money
 - d. Deliverability
 - e. Environmental impact
 - f. Social/distributional impact

The BLTB will consider, as part of this development phase, whether or not to adopt the DfT's Early Assessment and Sifting Tool.

12. As described in paragraph 14 below, the Unapproved or Long List of schemes will be generated by invitation to the members of the Berkshire Strategic Transport Forum Officers' Group to submit proposals.

These projects will then be subject to a simple (3-level High-Medium-Low) assessment against each of the six criteria described above. The scoring and preliminary evaluation will be moderated by the BSTF Officers' Group, and this will form the basis of a recommended list for consideration by the BLTB.

A key part of this evaluation will be consideration of criterion a) Maximum Strategic Impact. In a parallel exercise, the Local Enterprise Partnership is drawing up a Strategic Infrastructure Plan, as a major element of its Strategy for Growth. It will be against this document that "strategic impact" is judged.

Another key part of this exercise will be the need for scheme promoters to quantify or provide other appropriate external evidence to support their nominations, and there will be special emphasis on the need to establish the value for money credentials of each scheme.

13. Scheme Eligibility (Guidance Paragraphs 47-52): The BLTB will establish a process with
 - a. a minimum threshold value for eligible schemes

⁶ Freedom of Information Act and Environmental Information Regulations

- b. a requirement for defined works or programmes of works

All other issues (including a requirement for a local authority contribution) will be dealt with as part of the prioritisation process.

PART THREE: PROGRAMME MANAGEMENT AND INVESTMENT DECISIONS

14. Scheme Assessment and Approval (Guidance Paragraphs 53-65 and 79): We will operate stepped system of scheme assessment and approval.
 - Step 1: Unapproved or Long List of schemes. We will invite councils, the Local Enterprise Partnership (and other bodies in limited circumstances) to submit unapproved schemes for consideration. These will either be; refused, referred back for further development or accepted into the Programme, according to the evaluation process developed at paragraph 11 above.
 - Step 2: Programme Entry Stage. Acceptance into the Programme signifies only that we will give a scheme further detailed consideration. The scheme proposer will develop a full [Transport Business Case](#) in line with current DfT guidance and this will be subject to independent assessment (see paragraph 15 below) and public scrutiny (see paragraph 16 below) before a scheme can be considered for Approval. In addition, in order to demonstrate value for money, all schemes will be developed in accordance with current WebTAG guidance published by DfT, and this assessment will also be independently scrutinised. Where necessary, Central Case assessments will be based on forecasts which are consistent with the definitive version of NTEM (DfT's planning dataset).
 - Step 3 (optional): In appropriate circumstances, a scheme may be given Conditional Approval (eg conditional on securing a financial contribution from s.106 or similar source).
 - Step 4: Where a scheme can demonstrate high value for money and receive a positive assessment, and have this validated by the independent appraisal, it may become an Approved scheme. In other cases it may be deleted from the Programme, or referred back for further development, but retain its place in the Programme.
 - Step 5: Approved schemes will be subject to formal agreement about roles, responsibilities, reporting and auditing between the BLTB and the Local Transport Authority promoting the scheme. (See paragraph 18 below).
15. Each council will be invited to nominate one or more officers (or retained consultants) who will form a panel of independent assessors. This panel will include nominations from councils in neighbouring LTB areas. Each scheme that has reached Programme Entry stage and is being proposed for Full Approval will be subject to an independent assessment by a named individual drawn from this panel. Wherever possible we will appoint an independent assessor from a council outside the Thames Valley Berkshire area.
16. External View on Business Case (Guidance Paragraph 79): At Step 2, all Schemes seeking final approval will arrange for their business cases to be published, and for any comments from interested parties or the public to be collected and reported to the BLTB prior to any decision being made at Step 3 or 4.
17. Evaluation (Guidance Paragraphs 76-77): Evaluation post implementation. An early task for the BLTB will be to define the evaluation process for schemes that move beyond approval and into delivery phase.
18. Release of Funding, Cost Control and Approval Conditions (Guidance Paragraphs 80-85): As outlined in paragraph 14, step 5 above, all Schemes that receive BLTB approval will be subject to formal agreement about roles, responsibilities, reporting and auditing between the BLTB and the council

promoting the scheme. This agreement will cover timing and triggers for payments, any conditions about contributions from other funders, the consequences of scheme delay or failure to meet conditions, and formal audit and clawback provisions. This agreement will be published.

19. Programme and Risk Management (Guidance Paragraphs 86-88): An early task for the BLTB will be to define the Programme and Risk Management arrangements.
20. If necessary, this document can be amended in the light of developments with the consent of the LEP and the 6 councils.

Appendix 1

Proposed Role Description for Berkshire Local Transport Body

The Berkshire Strategic Transport Forum exists to discuss, plan and coordinate our strategy for integrated transport across the Thames Valley Berkshire area. The same membership will also transact the responsibilities of a Local Transport Body in allocating devolved capital funds as required by the Department for Transport.

The meetings will, therefore, be in two parts. One part will be the BSTF discharging its general function, and the other part will be the BLTB discharging its Local Transport Body responsibilities. The BLTB section of the meeting will be open to members of the general public, but the BSTF section will not.

The proposal is for the BSTF and the BLTB to meet at least 3 times a year to conduct business. These meetings will be informed and assisted by meetings of the officers' group which will provide coordinated advice to the BSTF and BLTB.

This role description applies to the conduct of BLTB business only.

Berkshire Local Transport Body

We have adopted the following principles:

Principle 1: The membership of the Berkshire Local Transport Body will be an equal number of business representatives and elected councillors.

Principle 2: All members will be expected to pursue the best strategic interest of the whole Thames Valley Berkshire area.

Principle 3: The LEP will try to achieve a spread of business representatives from across the Thames Valley Berkshire area.

Principle 4: The business representative appointments are personal, and not transferable. The local authorities will be able to appoint a Councillor and a named substitute Councillor as the only permitted deputy.

Principle 5: We expect all members to contribute to the Forum in the best interests of Thames Valley Berkshire, and according to the Seven Principles of Public Life, known as the Nolan Principles, defined by the Committee on Standards in Public Life. They are:

•Selflessness •Integrity •Objectivity •Accountability •Openness •Honesty •Leadership

Role Description

Members of the BLTB are asked to agree to the following role description:

1. **Leadership:** BLTB members should demonstrate the qualities of leadership in relation to promoting a strategy for Integrated Transport in Thames Valley Berkshire
2. **Consultation:** BLTB members should work with the officers' group and others to support and encourage appropriate levels of consultation with the business community and others
3. **Activities:** BLTB members should ensure that they can devote sufficient time to supporting the activities of the Berkshire Local Transport Body, which will include some events outside the formal meetings of the BLTB.

4. **Information:** BLTB members should encourage the free flow of information within the BLTB, and within Thames Valley Berkshire, in the spirit of openness and transparency.
5. **Pro-Bono Contribution:** LEP representatives are expected to make their contribution on a Pro-Bono basis.
6. **BLTB Business Rules:** LEP representatives on the Berkshire Local Transport Body will be asked to abide by two business rules:
 - We maintain a regime of open declaration of business interests, and where there may be a conflict with their own or their employer's interests, they will be expected to withdraw from the relevant discussion.
 - BLTB membership is personal, and does not entitle members to invite additional or alternative attendees except for the named deputy Councillors.Local Authority members will continue to be bound by their own codes of conduct while on BLTB business.