

Draft Order laid before the Scottish Parliament under section 52(3) of the Transport (Scotland) Act 2005, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2005 No.

TRANSPORT

**The Regional Transport Partnerships (Establishment,
Constitution and Membership) (Scotland) Order 2005**

Made - - - - - 2005

Coming into force in accordance with article 1

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The Scottish Ministers, in exercise of the powers conferred by sections 1(1) and (2) and 52(4) of the Transport (Scotland) Act 2005^(a) and of all other powers enabling them in that behalf, hereby make the following Order a draft of which has, in accordance with section 52(3) of the Act, been laid before, and approved by resolution of the Scottish Parliament:

^(a) 2005 asp 12.

Citation and commencement

1. This Order may be cited as the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 2005 Act” means the Transport (Scotland) Act 2005;

“constituent council” shall be construed in accordance with section 1(2)(b) of the 2005 Act;

“member” means councillor member and other member of a Partnership but does not include an observer;

“other member” means those members referred to in section 1(2)(c) of the 2005 Act; and

“Partnership” means a Transport Partnership established under article 3(3) below.

Establishment of regional Transport Partnerships

3.—(1) For the purposes of Part 1 of the 2005 Act, Scotland shall be divided into regions in accordance with paragraph (2) below.

(2) Each region shall comprise of the areas of those constituent councils, or parts thereof, as specified in column 2 of Schedule 1 to this Order, subject to any qualifications contained in that column.

(3) For each region there shall, with effect from the day after the day on which this Order is made, be established a body corporate to be known as the Transport Partnership with the addition of the name given to that region by the corresponding entry in column 1 of Schedule 1 to this Order.

(4) Once established a Partnership may decide to change the name given to their region and if they so decide the Partnership shall notify the Scottish Ministers and its constituent councils of the change of name of the region.

Constitution and membership of Partnerships

4. Schedule 2 to this Order (which makes provision as to the constitution and membership of each partnership) shall have effect.

St Andrew's House,
Edinburgh

2005

A member of the Scottish Executive

SCHEDULE 1

Article 3, Schedule 2,
paragraphs 1 and 3

REGIONAL TRANSPORT PARTNERSHIPS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Name of Region</i>	<i>Constituent councils or council</i>	<i>Number of councillor members to be appointed by each constituent council</i>	<i>Weighting to be applied to the votes cast by each councillor member</i>	<i>Range or number of other members in the Transport Partnership</i>
West of Scotland	Argyll and Bute Council (Helensburgh and Lomond only ^(a))	1	1	7-9
	East Ayrshire Council	1	1	
	East Dunbartonshire Council	1	1	
	East Renfrewshire Council	1	1	
	Glasgow City Council	5	1	
	Inverclyde Council	1	1	
	North Ayrshire Council	1	1	
	North Lanarkshire Council	3	1	
	Renfrewshire Council	1	1	
	South Ayrshire Council	1	1	
	South Lanarkshire Council	3	1	
	West Dunbartonshire Council	1	1	

^(a) These areas correspond to electoral wards 27 to 36 in the area of Argyll and Bute Council as constituted in the Schedule to the Argyll and Bute (Electoral Arrangements) Order 1998 (S.I. 1998/3244).

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
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South-West of Scotland	Dumfries and Galloway Council	5	1	2
South-East of Scotland	City of Edinburgh Council	5	2	7-9
	Clackmannanshire Council	2	1	
	East Lothian Council	2	1	
	Falkirk Council	2	2	
	Fife Council	3	2	
	Midlothian Council	2	1	
	Scottish Borders Council	2	1	
Central and Tay	West Lothian Council	2	2	
	Angus Council	2	1	4-5
	Dundee City Council	3	1	
	Perth and Kinross Council	3	1	
Stirling Council	2	1		
North-East of Scotland	Aberdeen City Council	4	1	3-4
	Aberdeenshire Council	4	1	

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Highlands and Islands	Argyll and Bute Council (except Helensburgh and Lomond)	1	1	2-3
	Comhairle nan Eilean Siar	1	1	
	Highland Council	1	3	
	Moray Council	1	2	
	Orkney Islands Council	1	1	
Shetland	Shetland Islands Council	4	1	2

CONSTITUTION AND MEMBERSHIP OF PARTNERSHIPS

Appointment of members

1.—(1) Each Partnership shall have the number of councillor members appointed by and from each constituent council of the Partnership specified in column 3 of Schedule 1 to this Order opposite the name of that council (as shown in column 2 of that Schedule).

(2) Each Partnership shall have such number of other members as they consider appropriate within the range specified in the corresponding entry in column 5 of Schedule 1 to this Order or where there is a number specified in column 5, that number, and each such member shall be appointed in accordance with sub-paragraphs (3) and (4) below.

(3) During the period ending with the holding of the poll at ordinary elections for councillors in 2007, each such other member shall be appointed by the Scottish Ministers.

(4) After the period mentioned in sub-paragraph (3), each such other member shall be appointed by the Partnership, subject to the consent of the Scottish Ministers.

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

(6) Observers may participate in proceedings of a Partnership in the same manner as councillor members and other members but may not hold office in it or participate in its decisions.

(7) A person shall be disqualified from being appointed as a member or observer of a Partnership if that person is an employee of the Partnership.

(8) Subject to sub-paragraph (9) below, each constituent council of a Partnership shall—

(a) at the first meeting of that council taking place after each ordinary election appoint as councillor members of the Partnership the number of persons specified in column 3 of Schedule 1 to this Order opposite the name of that council (as shown in column 2 of that Schedule); and

(b) on a vacancy occurring due to a person appointed by that council ceasing to be a member of the Partnership in the circumstances described in paragraph 2(2) to (6) below, appoint another person in that person's place unless the council, having regard to the length of time until the next ordinary election, consider it unnecessary to do so.

(9) The first appointment of councillor members of a Partnership established under this Order shall be made by each constituent council as soon as is practicable after the coming into force of this Order and at the latest by a month after the coming into force of this Order.

(10) As soon as possible after making the first appointment of councillor members each constituent council of a Partnership shall intimate in writing to the person specified for that Partnership in paragraph 6(2) below, the names of those persons appointed.

(11) Each constituent council may appoint persons as substitute councillor members to attend meetings of a Partnership, or of any of its committees or sub-committees, in the absence of any councillor members appointed to the Partnership by that council, and where any such substitute councillor members are appointed—

(a) only one substitute councillor member may attend in place of a councillor member who is absent; and

(b) the substitute councillor member shall have the same powers as the councillor member who is absent.

(12) Any person appointed as a councillor member, or substitute councillor member, of a Partnership must be a councillor for the area of the constituent council making the appointment.

- (13) A constituent council shall intimate in writing to the secretary of the Partnership–
- (a) as soon as possible after appointing any person as a councillor member or substitute councillor member of the Partnership, the name of that person; and
 - (b) as soon as possible after a vacancy has occurred due to a person appointed by that council ceasing to be a councillor member or substitute councillor member of the Partnership in the circumstances described in paragraph 2(2) or (4) below, the name of that person.
- (14) The proceedings of a Partnership shall not be invalidated by any vacancy or vacancies among its members or by any defects in the method of appointment of any of its members.

Duration and termination of membership

2.—(1) Subject to sub-paragraphs (2) to (6) below, any person appointed by a constituent council as a councillor member of a Partnership shall hold office until the first meeting of that council held after the next ordinary election following the date of that member’s appointment.

(2) If, prior to the next ordinary election following the date of the member’s appointment, a councillor member of a Partnership ceases to be a councillor for the area of the constituent council which appointed the member, the member shall immediately cease to be a member of the Partnership.

(3) A councillor member of a Partnership may resign their membership at any time by written intimation to that effect to–

- (a) the secretary of the Partnership; and
- (b) the constituent council which appointed the councillor member.

(4) A constituent council may at any time terminate the membership of any person appointed by them as a councillor member of a Partnership if, immediately prior to this, the constituent council provides an explanation for the termination by written intimation to the secretary of the Partnership, the Chairperson of the Partnership and that councillor member.

(5) The Chairperson of a Partnership, following a vote to that effect by the Partnership, may write to a constituent council and request that the council terminates the membership of a councillor member.

(6) Where the Chairperson of a Partnership writes to a constituent council in terms of sub-paragraph (5) above, such a request shall not be refused unreasonably by the constituent council.

(7) Subject to sub-paragraphs (8) to (9) below, other members and observers appointed by a Partnership, or the Scottish Ministers as the case may be, shall hold office for a period of 4 years following the date of their appointment unless otherwise specified at the time of their appointment.

(8) Other members of a Partnership and observers may resign their membership at any time by written intimation to that effect to the secretary of the Partnership.

(9) A Partnership may remove other members from office or observers if it is satisfied that–

- (a) the other member’s or observer’s estate has been sequestrated or the other member or observer has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract; or
- (b) the other member or observer–
 - (i) is incapacitated by physical or mental illness;
 - (ii) has been absent from meetings of the Partnership for a period longer than three consecutive months without the permission of the Partnership; or
 - (iii) is otherwise unable or unfit to discharge the member’s functions as a member or is unsuitable to continue as an other member or observer.

Voting arrangements of Partnerships

3.—(1) Where any decision of a Partnership is to be determined by a vote, each councillor member of the Partnership has a single vote and may vote on all matters.

(2) Other members of a Partnership may vote only on such matters as the Partnership determines are appropriate (but not on a question arising under section 3(2)(a) of the 2005 Act or on whether or not to make a request for the making of an order under section 10(1) of that Act).

(3) Subject to sub-paragraphs (4) and (5) below, where any decision of a Partnership is to be determined by a vote, it shall be determined by a simple majority of the votes cast.

(4) Each councillor member of each constituent council within a Partnership shall have their vote weighted by making it count as one, two, three or four votes as specified in column 4 of Schedule 1 to this Order.

(5) A Partnership may determine by a two-thirds majority of the votes cast, subject to sub-paragraph (4) above, to amend its standing orders to require that certain specified decisions be determined by a two-thirds majority of the votes cast.

Chairpersons and Deputy Chairpersons

4.—(1) Each Partnership shall appoint from its membership a Chairperson and such number of Deputy Chairpersons as they consider appropriate.

(2) Subject to sub-paragraph (3) below, the Chairperson and Deputy Chairpersons of a Partnership shall each hold office for a period to be determined by the Partnership not exceeding two full council terms.

(3) If, prior to the end of their period of appointment, a Chairperson or Deputy Chairperson of a Partnership ceases to be a member of the Partnership, they shall immediately cease to hold office.

(4) The Chairperson, or in the Chairperson's absence a Deputy Chairperson, shall preside at all meetings of a Partnership, but where both the Chairperson and all Deputy Chairpersons are absent from any meeting the members present shall appoint a Chairperson for that meeting.

(5) In the event of an equality of votes at a meeting, the Chairperson of that meeting shall, subject to sub-paragraph (6) below, have a casting vote as well as a deliberative vote.

(6) Where there is an equality of votes at a meeting and the matter which is the subject of the vote relates to the appointment of a member of the Partnership to any particular office, committee or sub-committee of the Partnership, the decision shall be by lot.

Secretary of Partnership

5. Each Partnership shall appoint a secretary who may also be an officer of one of its constituent councils.

Meetings and quorum

6.—(1) The first meeting of each Partnership shall be held as soon as is practicable after the Partnership is established, and the persons specified in sub-paragraph (2) below shall be responsible for convening that meeting.

(2) For the purposes of sub-paragraph (1), the specified persons for each Partnership are—

- (a) for the West of Scotland Transport Partnership, the Chief Executive or equivalent position of Glasgow City Council;
- (b) for the South-West of Scotland Transport Partnership, the Chief Executive or equivalent position of Dumfries and Galloway Council;
- (c) for the South-East of Scotland Transport Partnership, the Chief Executive or equivalent position of City of Edinburgh Council;

- (d) for the Central and Tay Transport Partnership, the Chief Executive or equivalent position of Dundee City Council;
- (e) for the North-East of Scotland Transport Partnership, the Chief Executive or equivalent position of Aberdeenshire Council;
- (f) for the Highlands and Islands Transport Partnership, the Chief Executive or equivalent position of Highland Council; and
- (g) for the Shetland Transport Partnership, the Chief Executive or equivalent position of Shetland Islands Council.

(3) Subject to sub-paragraph (1) above, each Partnership shall hold such meetings as it shall consider necessary for it to carry out its functions at such place or places as it may from time to time fix.

(4) The secretary of a Partnership shall send copies of the minutes of all its meetings to each of its constituent councils for their information.

(5) A Partnership shall make or adopt standing orders regulating the procedures and business of—

- (a) the Partnership; and
- (b) any committees or sub-committees appointed by it under paragraph 7 below.

(6) At a meeting of a Partnership a quarter of all members of that Partnership is a quorum provided that a Partnership may specify a greater number in its standing orders.

Committees and Sub-committees

7.—(1) A Partnership may appoint from its membership such committees or sub-committees as it may from time to time consider necessary or desirable and may refer to any such committee or sub-committee such matters as the Partnership may from time to time specify.

(2) A Partnership may delegate any of its functions to any committee established by the Partnership.

Expenses of members and observers

8. A Partnership may pay to its members and persons appointed, as respects the Partnership, as observers such expenses as the Partnership determines.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 1(1) of the Transport (Scotland) Act 2005 places the Scottish Ministers under a duty to, by order—

- (a) divide Scotland into regions for the purposes of Part 1 of that Act (Regional Transport);
- (b) create, for each region, a body corporate to be known as the Transport Partnership; and
- (c) provide as to the constitution and membership of each Transport Partnership.

This Order provides for Transport Partnerships to be established in pursuance of section 1(1) of the 2005 Act.

Schedule 1 specifies the names of the regions, the constituent councils of each Partnership and their initial composition.

Schedule 2 makes provision as to the constitution and membership of each Partnership.

Paragraph 1 provides for the appointment of members to the Partnerships and paragraph 2 makes provision for the duration and termination of membership.

Paragraph 3 specifies the voting arrangements for the Partnerships.

Paragraph 4 provides for the appointment of Chairpersons and Deputy Chairpersons and paragraph 5 provides for the appointment of a secretary.

Paragraph 6 makes provision as to the meetings of the Partnerships, standing orders and quorum.

Paragraph 7 allows the Partnerships to set up committees and sub-committees and to delegate functions to committees.

Paragraph 8 allows the Partnerships to pay expenses to their members and to observers.

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