

APPENDIX E

TERMS OF REFERENCES FOR THE TRANSPORT AND ENVIRONMENT BOARD

Transport and Environment Board

Terms of Reference

1. Purpose and Role

- 1.1 The purpose of the Transport and Environment Board is to provide leadership, development of policy and the delivery of a programme of activity aligned to the priorities of the Strategic Economic Plan and the Recovery Action Plan and other approved strategies associated with transport and the environment as well as to provide direction for and oversee the performance of South Yorkshire Passenger Transport Executive (SYPTE).
- 1.2 The role of the Transport and Environment Board is to:
- Oversee the implementation of the Transport Strategy
 - Lead the implementation of the Climate Emergency Response Framework
 - Shape future policy development and priorities on issues related to transport and the environment
 - Develop new transport programmes and environmental programmes
 - Make investment decisions within the agreed budget and policy on transport, as delegated by the Mayoral Combined Authority (MCA)
 - Accept grants with a value of less than £2 million
 - Monitor programme delivery and performance on transport and on the environment
 - Oversee the performance of SYPTE in delivering operational transport services and its capital programme and providing SYPTE with political direction.

2. Responsibilities

- 2.1 The Transport and Environment Board is responsible for:

Funding

- Approving, deferring or rejecting funding applications for transport and environmental projects that fall within the financial limit of delegated authority, and which are within the budgets agreed by the MCA and, where appropriate, Local Enterprise Partnership (LEP)
- Making recommendations to the MCA to approve, defer or reject applications for projects that exceed the financial limit of delegated authority, and which are within the transport and environment budgets
- Making recommendations to the LEP to approve, defer or reject applications for transport and environment projects to form a project pipeline where relevant
- Recommending for approval to the MCA the capital programme of SYPTE
- Recommending for approval to the MCA the revenue budget of SYPTE

Strategy and Policy

- Ensuring that transport and environment policies developed by the Board and agreed by the MCA and LEP are enacted effectively through appropriate investments and by SYPTTE
- Reviewing economic intelligence and evidence of regional economic performance on transport and on environmental issues
- Developing and managing relationships with key stakeholders and partners

Programme Delivery

- Commissioning of activity to deliver and implement transport and the environmental priorities
- Monitoring the transport capital programme and project delivery.

Performance and Risk Management

- Reviewing project performance, outputs and outcomes
- Identifying and recommending mitigations for any programme risks or poor performance
- Escalating any strategic, policy or programme risks to the MCA and LEP Boards

22 The Transport and Environment Board will be consulted on commercial and residential development projects which incorporate link roads or junction improvements and on developments that promote low carbon and biodiversity net gain requirements (in the context of Modern Methods of Construction) however, decisions on such projects will be taken by the Housing and Infrastructure Board.

3. Delegated Authority

31 In order to enact its responsibilities, the Transport and Environment Board will have delegated authority from the MCA to approve investment decisions for agreed pipeline projects up to £2 million.

32 The Transport and Environment Board will have delegated authority to accept grants with a value of less than £2 million.

33 The Transport and Environment Board may refer a matter or decision within their delegated authority to the MCA or LEP.

- 34 The Transport and Environment Board will have delegated authority to accept a tender or quotation for the supply of goods, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £200,000.00 in value for any one transaction.
- 35 The Transport and Environment Board has delegated responsibility for the specific transport functions of the MCA listed in Annex 1.

4. Membership

- 41 The Transport and Environment Board will be co-Chaired by the MCA portfolio lead for Transport and the Environment and a private sector LEP Board member.
- 42 Membership of the Transport and Environment Board will comprise:
- One Leader, who is portfolio lead, from a constituent Local Authority who will co-Chair the Board
 - A nominated elected member representative for each of the constituent Local Authorities
 - A lead Chief Executive from a Local Authority
 - Two private sector LEP Board members, one of whom will co-Chair the Board;
 - The Director General of the SYPTE
 - The SCR MCA Head of Paid Service (or their nominated representative)
- 43 Elected Members can nominate a deputy to attend meetings of the Board in their absence. All deputies must be named, elected members and must complete a Register of Interests Form.
- 44 Each of the non-constituent Local Authorities can nominate an elected member to attend and participate in the meetings but not vote.

5. Frequency

- 51 The Transport and Environment Board will meet at least on an eight-weekly cycle.

6. Secretariat

- 61 The Sheffield City Region Executive Team will provide the secretariat for the Transport and Environment Board.
- 62 Papers and presentations for Board meetings will be circulated to Board members five clear working days in advance of the meeting.

7. Attendance

- 7.1 Consistent attendance at the Transport and Environment Board meetings is essential, and attendance will be recorded.

8. Quorum

- 8.1 Meetings of the Transport and Environment Board will be quorate when six members are present and provided that there are at least 2 constituent Local Authority elected member representatives and one LEP member present. A member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.

- 8.2 A Board member may be counted in the quorum if they are able to participate in the meeting by remote means e.g. telephone, video or electronic link and remain available for the discussion and decision items on the agenda.

9. Decision Making

- 9.1 Board decisions are legally taken as follows:

- i. Matters at the Board relating to the functions of the MCA, by the Head of Paid Service (or their nominated representative) in consultation with the co-Chairs
- ii. Matters at the Board relating to the functions of SYPTTE, the Director General of SYPTTE.

By protocol, decisions will not be taken in accordance with i above unless there is Board consensus for the decision. Where consensus cannot be reached the issue will be escalated to the MCA and/or the LEP as appropriate for final decision.

- 9.2 Decisions made by the Transport and Environment Board will be presented to the MCA Board in a written Delegated Decisions Report at the next meeting. As the delegating body, the MCA will, for decisions taken under 9.1(i) above, have the right to review or amend decisions made by the Transport and Environment Board where such decision has not been acted upon subject to giving due reason for doing so.

10. Conflicts of Interest

Register of Interests

- 10.1 All Board Members and deputies must complete a Register of Interests Form within 28 days of being appointed to the Transport and Environment Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable

Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all Board Members are published on the SCR website.

- 102 It is the responsibility of every Transport and Environment Board Member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.
- 103 Interests declared by Transport and Environment Board Members will be listed on the Register of Members' Interests and published on the website.

Declarations of Interest at Board Meetings

- 104 It is the responsibility of Board members to declare any disclosable pecuniary interest (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each Transport and Environment Board meeting.

11. Urgent decisions between meetings

- 11.1 This procedure is to be used only by exception.
- 11.2 When an urgent matter or decision falls outside the parameters of the meeting cycle, the Transport and Environment Board will be permitted to make decisions through this procedure. If the matter is a Key Decision the procedure in Part 5B (Access to Information Procedure Rules) of the Constitution also needs to be complied with.
- 11.3 The Head of Paid Service (or their nominated representative), in consultation with the Chair of the Transport and Environment Board, will contact Board Members by email to notify them of the following:
- Details of the matter requiring comment and/or decision;
 - The name of the person or persons making or putting forward the proposal/decision;
 - The reason why the matter cannot wait until the next Board; and
 - The date responses are required by.

Two working days after the close of responses, the following will be circulated to all Board Members:

- The outcome of the decision taken (including responses received in agreement and responses received in disagreement);

- The date when any decision comes into effect; and
- Any mitigating action taken to address stated views or concerns.

114 Decisions and actions taken will be retrospectively reported to the next meeting of the Transport and Environment Board and MCA in accordance with paragraph 9.2 above.

12. Advisory Groups

121 The Transport and Environment Board will be supported in making investment decisions by an independent Appraisal Panel. The Appraisal Panel will assess all applications for funding and will present their findings and recommendations to the Board on whether the application should be approved, deferred or rejected.

122 The Transport and Environment Board is permitted to form Task and Finish groups of key stakeholders and advisors to assist in the management and monitoring of individual programmes or projects. Any such groups are purely advisory and must submit reports to the Transport and Environment Board.

13. Transparency

Key Decisions

131 Key decisions to be taken by the Transport and Environment Board will be published in the Forward Plan of Key Decisions on the website 28 days in advance of the decision being made.

132 Questions and comments submitted by the public on the pending decisions will be notified to the Transport and Environment Board and will be responded to in writing.

Meeting Papers

133 Agendas and papers for the Transport and Environment Board will be published on the website at least five clear working days before the meeting date.

Exemptions

134 Where reports or information for Board meetings is exempt from disclosure under Section 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, these papers will either be reserved or specific information in the paper will be redacted.

- 135 Reserved papers and reports can still be requested under the Freedom of Information Act. Requests will be considered on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

Meeting Record

- 136 Draft minutes will be published on the website within ten clear working days of the Transport and Environment Board meeting taking place. The meeting record (approved minutes) will be published on the website within ten clear working days of the subsequent Transport and Environment Board meeting.

14. Amendments to Terms of Reference

- 14.1 These Terms of Reference will be reviewed annually. Any changes will be approved by the MCA and LEP.

Annex 1 – Specific Transport Functions of the MCA

1. Granting approval to SYPTTE to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix), Transport Act 1968;
2. Making a written request to the Minister to authorise SYPTTE to purchase compulsorily any land which SYPTTE require for the purposes of their business pursuant to section 10(3), Transport Act 1968;
3. Approving the permanent or long term disposal of land not required by SYPTTE for operational purposes.
4. Making appointments to the Board of SYPTTE;
5. Formulating general policies with respect to the availability and convenience of public passenger services pursuant to sections 9A(5)- (7), Transport Act 1968;
6. Ensuring that SYPTTE secures the provision of appropriate public passenger transport services pursuant to Section 9A (3), Transport Act 1968;
7. Considering and approving the creation and development of:-
 - A. Quality Partnership Schemes or Advanced Quality Partnership Scheme pursuant to sections 113(c)-123, Transport Act 2000;
 - B. Concessionary Travel Schemes pursuant to sections 93-104, Transport Act 1985;
8. Ensuring that SYPTTE implements those actions which may be delegated to it from time to time for promoting the economic, social and environmental well-being of the Combined Area and its residents pursuant to section 99, Local Transport Act 2008;
9. Approving releases for capital schemes within the agreed capital programme and the agreed budget for the scheme concerned (including approving capital payments for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to section 56(2), Transport Act 1968);
10. Determining variations in charges for transport services or facilities provided by SYPTTE, pursuant to section 15(2), Transport Act 1968;
11. Approving the level of support of local rail services over and above that in the baseline franchise specification;
12. Determining the operation, performance and development of accessible transport provision pursuant to sections 106(1) and 106(2), Transport Act 1985;
13. Monitoring the operation and performance of bus, tram and local rail services and influencing accordingly;
14. Determining issues arising from the rail franchising process.