

## **Report to Partnership Meeting 7 February 2020**

### **PARTNERSHIP**

#### **Local Governance Review**

##### **Introduction**

The HITRANS Partnership meeting of 26<sup>th</sup> April considered the Local Governance Review scoping study that HITRANS commissioned from CP1919Plus21 consultants. CP1919Plus21 were invited by HITRANS in early 2019 to undertake scoping desk-based research into the impact and potential opportunities for HITRANS from the current Local Governance Review. The triple focus on the research was to investigate the level of local democracy and subsidiarity of key transport services, review the transport outcomes required across the HITRANS area and positively provoke further debate about the potential for aggregation of services.

CP1919 Plus 21 made a series of recommendations in their report which were supported by the Partnership Board. A triumvirate of main groupings of recommendations were summarized in the report to the Partnership Board as follows:

- 1) HITRANS partners to proactively discuss the opportunities presented by regional structures for the delivery of positive outcomes locally in a constrained resource context.
- 2) If there is a desire for further discussions, there should be a clear strategic plan and analysis undertaken across the HITRANS area.
- 3) There is also a strong suggestion to HITRANS to lobby for a subsidiarity review of the current delivery of transport services and funding in Scotland, going beyond just reviewing roles and responsibilities, but looking at outcomes and participation in governance.

The CP1919 Plus 21 Report concluded that over the past quarter of a century, there has not always been a clear objective reflected in national transport strategy and policy around the preservation and enhancement of subsidiarity in the delivery and governance of transport services coupled with a clear recognition of the regional element of transport strategy but a willingness to enable that level of governance. The HITRANS area being a notable exception in terms of a key recurring message across a number of partners of the importance and value-added work of HITRANS. The research review concluded that there is strong support for HITRANS work in the region and that there is a clear opportunity in terms of the local governance review and significant transport specific work ongoing presently, to test the parameters of possible further enhancement and development of HITRANS functions and shared capacity across the HITRANS region. There is a clear opportunity to deliver improved outcomes in partnerships with constituent councils whilst maintaining the principles of subsidiarity and strengthening local democracy and participation.

## **Local Governance Review – Developing and Testing Proposals**

In a joint letter dated 28 November 2019 the Cabinet Secretary for Communities and Local Government, Aileen Campbell MSP and Cllr Allison Evison, CoSLA President summarised the progress made on the Local Governance Review and the clear appetite for transformative change that is embedded in a belief that democracy matters and in the sovereignty of communities. The letter is attached as Appendix A to this report.

The commitment to greater community empowerment and need to ensure that any change is carefully considered to get subsidiarity right accords well with the work completed for HITRANS in 2019.

The letter sets out the expectation of Scottish Ministers and the COSLA leadership that all public sector partners engage constructively in local level discussions to further develop ideas with the most transformative potential.

Next steps will be to prioritise proposals and agree the nature and quantum of resource required to give each the best chance of success. Proposals which are not awarded 'priority' status will remain part of the process, with the Scottish Government and COSLA providing input into their development on a case by case basis, where local partnerships would find that helpful.

Through the letter organisations are invited to input to the process and develop proposals that accord with the principles outlined in the letter. To this end HITRANS have developed the thinking set out in the CP1919 Plus 21 Report to set out how HITRANS might offer an opportunity as a priority proposal that can be considered by the Democracy Matters team. The proposal outlined below and within Appendix B and Appendix C builds on the earlier work considered by the Partnership Board and sets out an opportunity to decentralize greater input in transport delivery and influence from the current centralized delivery led on a nationwide basis by Transport Scotland to include a greater role for regional input utilising the existing statutory provision and governance available through HITRANS as the regional transport partnership.

### **HITRANS proposed Governance changes**

The proposed change by HITRANS is that a number of key transport policy areas are devolved from direct national delivery to a regional re-empowered Regional Transport Partnership (RTP), a statutory body created by the Transport (Scotland) Act 2005. The initial devolution would be a managed transition of co-location and co-production before the creation of a new empowered delivery structure, closer to communities by 2022, with enhanced community empowerment sitting alongside the full devolution of fiscal and functional aspects of existing provision managed through the current statutory structures provided by the relevant legislation. This fits well with the proposals set out in the draft National Transport Strategy that recognised the support for and rationale behind an increased role for regional delivery and decision making in transport policy and delivery in Scotland.

There would clearly be challenges in delivering a greater place-based and locality planned response to Highlands & Islands transport priorities across an initial number of key themes identified post community involvement which could potentially include the following services based on previous consultation: trunk roads, ferries, active travel, sustainable transport particularly bus and mobility as a service. However, we are confident that the proposed re-

empowerment of an existing statutory structure would deliver the originally proposed enhanced outcomes through RTPs strengthening local democracy and ensuring better outcomes for communities experiencing real transport inequalities within a context of dis-empowerment and dis-connection from the key decisions and those charged with making them at present.

RTPs like CPPs are a relatively new statutory process, albeit in terms of governance and resourcing most efforts have been invested in CPPs by various governance stakeholders. However, RTPs like CPPs, have a relatively short statutory process, but both have longer histories of voluntary efforts and RTPs like CPPs have done recently, have a clear ability to improve partnership and leadership on key issues locally on strategic issues but also improve outcomes specifically within localities by being better able to listen and act on local views from local and regional engagement and involvement. We feel the re-empowering of HITRANS communities via the existing RTP is a clear opportunity to enhance local democracy regarding lifeline transport services but avoid the tendency towards procrastination bias concerning shaping or sharing services that can often occur with large organisation change. We have communities needing more targeted services to address the interdependencies of social and economic and right-based transport issues but with the advantage of clear community buy-in to a RTP that could be enhanced by empowerment in fiscal and functional terms, which would reinforce empowerment of further community co-creation.

### **Potential Phasing of Change Proposal**

The proposal would be subsequent to acceptance by SG/COSLA as a priority proposal to take a paper and the finalised version of this plan to the HITRANS Board for agreement to launch a formal consultation with Councils and communities on the proposals for the decentralising of national transport powers (or some responsibility / oversight for some areas) and aggregation of certain functions to HITRANS utilising the existing statutory procedure under the Transport (Scotland) Act 2005.

The areas identified for initial consideration would include Active Travel Delivery and Funding; Bus Partnership Fund; Ferry (this would likely be a shared approach with a number of stages starting with a role for HITRANS in the Network Strategy Group alongside Transport Scotland); Aviation (as with ferry the scale and complexity of delivery in this area would require a shared approach and detailed development of a roadmap for increased responsibility at a regional level). Another opportunity could be in the prioritisation, management and delivery of transport interventions on a Regional basis utilizing UK Shared Prosperity Funding or any successor arrangements to ERDF.

A broad outline timetable for phasing in of new proposals could be:

- Pre-Phase –this paper represents the pre Phase proposal which is tabled to seek approval from Members to begin the formal consultation on this LGR priority proposal via the statutory mechanisms of the Transport (Scotland) Act 2005 with member councils and communities. Without subsequent agreement by SG / COSLA this phase will not move further forward to the stages outlined in bullet form below.

- Phase 1 “Re-empowering and Consolidation” – Timescale to be agreed, operate in shadow form with existing funders and service deliverers, continuing discussions around co-location and co-decision making, involvement of current providers within the HITRANS board structure.
- Phase 2 “Transformation” – following the consolidation of the identified areas of new governance focus e.g. shared Active Travel and Ferries, Bus and wider specialist services as agreed during the consultation for decentralisation or aggregation into a HITRANS model, the new delivery and governance structures would be initiated.
- Phase 3 “Growth and Development” Post 2022 – Start to deliver services collectively and in light of NTS2/STPR2, have further potential discussions for further growth development of certain functions and co-location of other services from national or local levels to enable HITRANS to operate in a further shadow form for testing and development of new functions alongside the new centralised/aggregated model.

The HITRANS Local Governance Review Proposal is set out in the 2 accompanying documents that are titled:

Appendix B – LGR Testing Proposal. Repowering Communities through HITRANS  
Appendix C – Empower, Innovate and Deliver. Shaping and Sharing Plan 2020-22

## **RISK REGISTER**

### RTS Delivery

Impact - Positive

Comment – The Research and Development Programme is the key mechanism by which HITRANS promotes delivery of the Transport Strategy for the Highlands and Islands

### Policy

Impact – Positive

Comment – Actions within the report set out opportunities for greater subsidiarity in the delivery of transport services and infrastructure and promote the development of a more inclusive Scotland where the Highlands and Islands can improve socio economic outcomes.

### Financial

Impact – Positive

Budget line and value – This item reports on the work commissioned through the Research and Strategy Delivery budget in 2019/20.

### Equality

Impact – Positive

Comment – Actions within the report set out opportunities for greater subsidiarity in the delivery of transport services and infrastructure and promote the development of a more inclusive Scotland where the Highlands and Islands can improve socio economic outcomes.

## **RECOMMENDATIONS**

1. Members are asked to note the report.
2. Members are asked to consider the reports set out as Appendix A and B to this item.
3. Members are asked to delegate to the Director and Chair the authority to share the HITRANS proposal with the Local Governance Matters team for consideration as a test option for increased Local Governance in Transport. Approval is sought for this pre Phase Stage as outlined in the body of the report.

4. If the proposal is well received and HITRANS are invited to work this up further the proposal would first be shared with Community Planning Partners and the five partner Councils before any further steps were taken to develop the proposal.

**Report by:** Ranald Robertson  
**Designation:** Partnership Director  
**Date:** 28<sup>th</sup> January 2020  
**Additional Information:** Appendix A – Local Governance Matters Letter  
Appendix B – Local Governance Review Testing Proposal  
Appendix C – Shaping and Sharing Plan