

# Transport for the North Board Agenda

<b>Date of Meeting</b>	<b>Friday 16 April 2021</b>
<b>Time of Meeting</b>	<b>1.15 pm</b>
<b>Venue</b>	<b>Virtual</b>

### Filming and broadcast of the meeting

Meetings of the Transport for the North Board are 'webcast'. These meetings are filmed and broadcast live on the Internet. If you attend this meeting you should be aware that you might be filmed and included in that transmission.

Item No.	Agenda Item	Page
<b>1.0</b>	<b>Welcome &amp; Apologies</b>	
<b>2.0</b>	<b>Declarations of Interest</b>  Members are required to declare any personal, prejudicial or disclosable pecuniary interest they may have relating to items on the agenda and state the nature of such interest.	
<b>3.0</b>	<b>Chief Executive Appointment and Interim Arrangements</b>  Members are asked to consider the report from the Director of Business Capabilities.	3 - 8
<b>4.0</b>	<b>Governance Report</b>  Members are asked to consider the report from the Head of Legal Services.	9 - 14
<b>5.0</b>	<b>Any Business Which the Chair is Satisfied is Urgent</b>  Any business which the Chair is satisfied is urgent by	

	<p>reason of special circumstances pursuant to section 100B 4 (b) of the Local Government Act 1972.</p>	
<b>6.0</b>	<p><b>Exclusion of Press and Public</b></p> <p><b>Resolved:</b> That the public be excluded from the meeting during consideration of Item 7 on the grounds that</p> <p>(1) It is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during such item(s), confidential information as defined in S100A(2) of the Local Government Act 1972 (as amended) would be disclosed to them in breach of the obligation of confidence; and/or</p> <p>(2) it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs [where necessary listed below] of Schedule 12A of the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
<b>7.0</b>	<p><b>Any Business Which the Chair is Satisfied is Urgent</b></p> <p>Any business which the Chair is satisfied is urgent by reason of special circumstances pursuant to section 100B 4 (b) of the Local Government Act 1972.</p>	

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## Transport for the North Board

**Subject:** Chief Executive Appointment & Interim Arrangements

**Author:** Stephen Hipwell, Head of Human Resources

**Sponsor:** Dawn Madin, Director of Business Capabilities

**Meeting Date:** Friday 16 April 2021

### 1. Purpose of the Report:

1.1 The purpose of this report is for Members to consider and resolve upon the following matters:

- a) Approval of the Appointment Panel's preferred candidate for the permanent Chief Executive Officer role;
- b) Approval of the Appointment Panel's recommended interim cover arrangements for the Chief Executive Officer role; and
- c) Agreement of the management arrangements for the permanent Chief Executive and Interim Chief Executive.

### 2. Executive Summary:

2.1 The Appointment Panel and recruitment process for Transport for the North (TfN) Chief Executive was agreed at the TfN Board meeting on 14 January 2021. The Appointment Panel appointed by Board for this assignment was:

- John Cridland, Transport for the North Chair
- Cllr Louise Gittins, TfN Vice Chair
- Mayor Ben Houchen, TfN Vice Chair
- Cllr Keith Aspden, City of York Council
- Peter Kennan, SCR LEP Representative
- Emma Ward, Department for Transport

2.2 Since inception, the Appointment Panel has met on six occasions to agree on and carry out all aspects of the process including a two-stage interview process.

2.3 On Tuesday 24 March 2021, the TfN Board agreed to a second stage interview with a narrowed shortlist of candidates. This subsequently took place with two nominated substitute members – as per the Panel Terms of Reference – namely Cllr Heather Scott (for Mayor Houchen) and Cllr Chris Brewis (for Cllr Aspden).

2.4 Following the interviews, the Panel has identified a preferred candidate for the permanent role, now recommended for TfN Board approval alongside interim measures.

### **3. Discussion:**

#### **3.1 Permanent Chief Executive**

3.2 Six shortlisted candidates were interviewed, following which, two preferred candidates were taken through to a final stage interview.

3.3 After careful consideration, the Appointment Panel has identified Martin Tugwell as its preferred candidate. The Panel is therefore recommending that the TfN Board approves a formal offer of employment to this candidate.

3.4 Martin is currently Programme Director at England's Economic Heartland, the sub-national transport body for the region including the Oxford – Milton Keynes – Cambridge Arc. It is the latest position in a lengthy career in transport planning in the public sector. He is also a fellow and current President of the Chartered Institute of Highways and Transportation (CIHT).

3.5 The preferred candidate has a notice period of three months. We are working with Martin to secure a start date; it is envisaged that this will be sometime in July.

3.6 The Chief Executive is accountable to and reports to the TfN Board. Unless an alternative mechanism for the management arrangement (objective setting/management of performance) for this postholder is established and agreed, these management arrangements will remain with the Board. For example, the new Chief Executive will be subject to a six-month probationary period, which will require a set of probationary milestones/objectives and an associated review mechanism to be established. The Board will be responsible for approving the permanent appointment of the Chief Executive after successful completion of the probationary period.

3.7 The Board may, if it chooses, delegate its responsibilities (other than offer of appointment and confirmation of appointment) to a committee of its Members, although under section 101 of the Local Government Act 1972 there is no power to delegate responsibilities to a single Member.

3.8 As agreed at the TfN Board meeting in March, there is currently a workstream underway to explore the function and membership of the General Purposes Committee and a consultation on future decision-making structures. It is recommended that this group also considers Chief Executive management arrangements, with recommendations brought back to next Board meeting for approval.

- 3.9 A comprehensive Induction Process has been developed to support the smooth transition and on-boarding of the new Chief Executive and will include phased introductory meetings with Board members.

### **3.10 Interim Chief Executive Arrangements**

- 3.11 Current TfN Chief Executive, Barry White's, last working day with TfN is 21 April 2021. As such, there will be a gap of approximately up to 3 months before the new Chief Executive commences employment.

- 3.12 The Appointment Panel recommends the TfN Board approve that TfN's NPR Director, Tim Wood, is appointed to undertake the role of Interim Chief Executive (Head of Paid Service) with effect from 20 April 2021, until such time as the new permanent Chief Executive commences employment. It should be further noted that this proposal accords with the arrangements set out in TfN's Constitution with regards to who is designated these responsibilities in the absence of Chief Executive.

- 3.13 As per the permanent appointment, the TfN Board will need to agree a mechanism for management arrangements for the Interim Chief Executive.

- 3.14 Subject to TfN Board approving both the permanent and Interim Chief Executive appointments, the necessary arrangements will be put in place to proactively communicate the outcome.

## **4. Recommendations:**

- 4.1 The TfN Board:
- a) Approves the appointment of Martin Tugwell as permanent Chief Executive and Head of Paid Service subject to completion of all required pre-employment and medical clearances.
  - b) Considers and agrees the required management arrangements for the permanent and Interim Chief Executive roles, noting the most pressing matter is setting of probationary objectives and performance review during this period.
  - c) Approves the appointment of Tim Wood as Interim Chief Executive and Head of Paid Service with effect from 20 April 2021 until such time the next permanent Chief Executive commences employment.

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**Required Considerations**
**Equalities:**

Age	<b>Yes</b>	No
Disability	<b>Yes</b>	No
Gender Reassignment	<b>Yes</b>	No
Pregnancy and Maternity	<b>Yes</b>	No
Race	<b>Yes</b>	No
Religion or Belief	<b>Yes</b>	No
Sex	<b>Yes</b>	No
Sexual Orientation	<b>Yes</b>	No

<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Equalities	A full impact assessment has not been carried out given this is an internal TfN resourcing matter.	Stephen Hipwell	Dawn Madin

**Environment and Sustainability**

Yes	<b>No</b>
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Sustainability / Environment – including considerations regarding Active Travel and Wellbeing	A full impact assessment has not been carried out as is not applicable.	Stephen Hipwell	Dawn Madin

**Legal**

<b>Yes</b>	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Legal	Legal implications are covered within the report.	Julie Openshaw	Dawn Madin

**Finance**

<b>Yes</b>	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Finance	Whilst the NPR Director will receive a small salary uplift for providing interim cover, an overall salary cost saving will be generated during this interim cover period as there is no intention to backfill his substantive role.	Iain Craven	Iain Craven

**Resource**

<b>Yes</b>	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Resource	The resource implications have been considered and are included in the report.	Stephen Hipwell	Dawn Madin

**Risk**

Yes	<b>No</b>
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Risk	The key risks are included in the report.	Iain Craven	Iain Craven

**Consultation**

Yes	<b>No</b>
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Consultation	A consultation has not been carried out given this is an internal TfN resourcing matter.	Stephen Hipwell	Dawn Madin

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## Transport for the North Board

**Subject:** Governance Report

**Author:** Deborah Dimock, Solicitor

**Sponsor:** Julie Openshaw, Head of Legal

**Meeting Date:** Friday 16 April 2021

### **1. Purpose of the Report:**

- 1.1 The purpose of this report is to provide Members with an update in relation to the current position on virtual meetings.

### **2. Executive Summary:**

- 2.3 During the Covid-19 pandemic, Transport for the North has been able to hold its Board and Committee meetings virtually under emergency provisions. These are due to expire on 7 May 2021 and Transport for the North needs to review how it will conduct its meetings in future.

### **3.0 Discussion**

- 3.1 As the Board has been previously advised the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which made provision for remote or virtual attendance at all Transport for the North Board and Committee meetings held during the pandemic will expire on 7 May 2021.
- 3.2 Although a request was made to the government for the provisions allowing virtual or remote attendance to be made permanent, this request has not been acceded to and the current Regulations have not been extended beyond the 7<sup>th</sup> May 2021. This means that the legal position will revert to that of before the pandemic and the introduction of the emergency legislation.
- 3.3 Lawyers in Local Government and the Association of Democratic Services Officers have together submitted an application to the courts for a declaration that remote attendance at meetings is legitimate under existing legislation. This application has now been listed to be heard on 21 April 2021.
- 3.4 At the time of writing this report, there has been no new legislation to continue the holding of virtual meetings and the application to the courts has not been heard. This means that unless there is any change

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to the current legal position TfN is likely to need to make arrangements to revert to personal attendance by Members at all Committee and Board Meetings from the 7 May 2021. This being the case, and because some Covid-19 restrictions will still be in place, it is likely that the Board Meeting scheduled for the 9 June 2021 will be cancelled. If there is important business which needs to be dealt with after the 7 May 2021 this will be done by way of a Consultation Call with Members by the Chief Executive under the delegations set out in paragraph 18.8 (e) of the Constitution, unless there is business which is reserved to the Board and which cannot be made under the Chief Executive's delegated powers.

- 3.5 Unless there is a change to the current legal position, it is likely that the Annual Meeting on 27 July 2021 will need to be held as a face to face meeting since there will be decisions to be taken that are reserved to the Board. There may be practical difficulties for some Members and staff in attending any such meeting in person, including protecting their health and wellbeing, especially for those not vaccinated. For this reason we are looking into the practicalities of holding a hybrid meeting allowing some remote attendance. Members attending remotely will not be able to counted for the purposes of quorum and would not be entitled to participate in any vote but would be able to speak in any discussion. For the meeting to be quorate we will require a minimum of 10 Members who together hold 50% of the population weighted votes to be physically present in the meeting and will require a venue which can accommodate such a meeting safely. We will continue to review this practical position alongside the legal position set out above and will keep Members informed of any potential changes.

4.0 **Recommendation:**

- 4.1 The Board notes the position in relation to virtual Board and Committee meetings and requests that the position be kept under review.

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**List of Background Documents:**

The Constitution

**Required Considerations**
**Equalities:**

Age	No
Disability	No
Gender Reassignment	No
Pregnancy and Maternity	No
Race	No
Religion or Belief	No
Marriage and Civil Partnership	No
Sex	No
Sexual Orientation	No

<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Equalities	A full Impact assessment has not been carried out because the report does not propose any new strategy or service provision	Deborah Dimock	Julie Openshaw

**Environment and Sustainability**

Yes	No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Sustainability / Environment – including considerations regarding Active Travel and Wellbeing	A full impact assessment has not been carried out because the report does not propose any new strategy or service provision	Deborah Dimock	Julie Openshaw

**Legal**

Yes
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Legal	There are no new legal implications as a result of this report	Deborah Dimock	Julie Openshaw

**Finance**

No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Finance	TfN Finance Team has confirmed there are no new financial implications.	Paul Kelly	Iain Craven

**Resource**

No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Resource	TfN HR Team has confirmed there are no new resource implications.	Stephen Hipwell	Dawn Madin

**Risk**

No
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Risk	There are no new risks identified as a result of this report.	Haddy Njie	Iain Craven

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**Consultation**

Yes
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<b>Consideration</b>	<b>Comment</b>	<b>Responsible Officer</b>	<b>Director</b>
Consultation	No consultation has been carried since no new policies are being proposed.	Deborah Dimock	Julie Openshaw

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