

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 7th 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

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.

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

Consideration	Comment	Responsible Officer	Director
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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Consideration	Comment	Responsible Officer	Director
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

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

Finance

No

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

Resource

No

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

Risk

No

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

Consultation

Yes

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