
Meeting:	Rail North Committee - Strategic Rail Director Consultation Call
Subject:	Rail Reform Matters: Responding to the White Paper
Author:	Manjit Dhillon, Senior Lawyer
Sponsor:	Julie Openshaw, Head of Legal Services
Meeting Date:	Wednesday 15 September 2021

1. Purpose of the Report:

- 1.1 The purpose of this report is to update and inform Members of the arrangements for future meetings now that the legislative provisions which enabled virtual attendance at Board and Committee Meeting have come an end, the requirement for Members to attend meetings in person has been reinstated and seek a view on the conduct of future Rail North Committee meetings.

2. Recommendations:

- 2.1 The Committee is asked to:
- 1) Note the recommendations of the Members' Working Group and the Transport for the North Consultation Call and the proposed amendments to the Procedure Rules in the Constitution which are proposed to be recommended to Board on 29 September 2021 to allow Members and officers to contribute to meetings virtually as set out in Appendix 1
- 2.2 Consider how it wishes to conduct its future meetings.

3. Main Issues:

- 3.1 Now that the legislative provisions which enabled virtual attendance at Board and Committee meetings have come to end the requirement for Members to attend meetings in person has been re-instated. The Constitution mirrors the legal requirements and states that attendance at a Transport for the North Board or Committee Meetings has to be in person.
- 3.2 The holding of virtual meetings has reduced the time commitment by both Members and officers in physically attending meetings saving on the travel time. Going forward, it is likely Members will wish to continue to attend virtually. However, the decision of the High Court has ruled out virtual attendance as being a valid attendance for the

purpose of quorum and there is no provision in the Constitution which would allow Members not physically present at a meeting to take part virtually. Currently, the Transport for the North Constitution requires Members to be physically present at meetings and does not allow for anyone not physically present in the meeting to join the meeting virtually or to speak at meetings. The Terms of Reference of the Rail North Committee provide that in many circumstances its role is advisory to Transport for the North Board, and because the Chief Executive has delegated powers to take any action required as a matter of urgency in the interests of Transport for the North subject to consultation where practicable with the Chair or Members of Board, and the Strategic Rail Director has delegated power to oversee the discharge of Transport for the North's obligations under the Partnership Agreement with the Secretary of State relating to rail franchise management and any other agreement Transport for the North may enter in relation to rail franchise matters, there are occasions on which Rail North Committee can be consulted by those officers who would then be empowered to take appropriate action which can give effect to Members' wishes without it being absolutely necessary to have a face to face meeting, although if formal decisions are required, the a quorate face to face meeting is necessary.

- 3.3 The Members Working Group (MWG) was asked to consider amendments to the Constitution which would allow Members to join formal meetings i.e. Board, Audit & Governance Committee, Rail North Committee, Scrutiny Committee and General Purposes Committee virtually and to allow them to contribute to debate, although they would not be entitled to vote or to be counted as present for quorum purposes. At the Transport for the North Consultation Call on the 9 June 2021 it was also requested that Members should be able to put forward representations in respect of items for the agenda when they were unable to be physically present at the meeting. The MWG has recommended that virtual participation should be allowed with the agreement of the Chair and proposed amendments to the Procedure Rules in the Constitution which are proposed to be recommended for approval by Board on 29 September 2021 are set out in Appendix 1.

4. Corporate Considerations:

Financial and Resource Implications

- 4.1 Transport for the North Finance Team has confirmed there are no financial implications for Transport for the North.
- 4.2 Transport for the North HR Team has confirmed there are no direct resource implications as a result of this report.

Legal Implications

4.3 The legal implications are set out in the report.

Risk Management and Key Issues

4.4 A risk assessment has not been undertaken as it is not required.

Environmental Implications

4.5 A full Impact Assessment has not been carried out as it is not required.

Equality and Diversity

4.6 A full Impact Assessment has not been carried out as it is not required.

Consultations

4.7 Members are being consulted on options for future meetings as set out in the report.

5. Background Papers

5.1 There are no background papers to this report.

6. Appendices

6.1 Appendix 1: Proposed Amendments to the Constitution.

Part 5 Procedure Rules

Public Speaking and Members Participating Virtually

- 23.76 Members of the public will not normally be allowed to address a meeting of the Transport for the North Board. Any request to address a meeting of the Transport for the North Board will be referred to the Chief Executive who will decide whether to make appropriate arrangements for the member of the public to meet either with officers of Transport for the North or a delegation of Members of the Board outside the Transport for the North Board Meeting.
- 23.77 Members of the Board who are not in attendance at a meeting may participate in the meeting virtually provided that facilities are available to enable them to be heard and if possible seen by all Members and members of the public present at the meeting. Such Members will be entitled to speak in a debate with the agreement of the Chair but will not be entitled to move a motion or amendment or to participate in any vote. Such members shall not be treated as in attendance at the meeting for the purposes of quorum.
- 23.78 Any Member of the Board who is not in attendance at a meeting may make written representations on any item on the Agenda provided such representations are received by the Monitoring Officer not later than 5pm on the day before the day of the meeting. Such representations will be read to the meeting by or on behalf of the Chair.
- 23.79 Officers of Transport for the North who are not in attendance at a meeting may participate virtually if invited by the Chair to do so and provided that the facilities are available to enable them to be heard and if possible seen by all Members and members of the public present at the meeting