

AGENDA ITEM No. 10

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

28 MARCH 2008

CHIEF EXECUTIVE

PART A

1. RURAL TRANSPORT PARTNERSHIPS FUTURES (A8705/ED)

Proposal

- 1 To make members aware of developments in the future of Rural Transport Partnerships (RTPs) since the previous Authority report of 30 March 2007, including the impacts of these on the current Hope Valley and High Peak Transport Partnership (HVHPTP) team, who are employed by the Authority. Furthermore, to seek approval for Authority representation and to provide funding towards relevant future partnerships.

2 RECOMMENDATION:

That members:

1. **Note the proposed cessation of RTPs and establishment of new partnerships to continue and add value to the good work begun by RTPs.**
2. **Approve Authority member and officer representation on selected new partnerships and the budgetary implications, as outlined in the report.**
3. **Delegate approval to the Chief Executive and Head of Law to enter into Memoranda of Agreement for selected new partnerships, as outlined in the report.**
4. **Endorse officer advice in the report that TUPE does not apply to any of the existing HVHPTP posts, so they will be disestablished with effect from 31 March 2008.**
5. **Approve the transfer of any budget remaining for the HVHPTP to Derbyshire County Council as the Accountable Body for the proposed High Peak and Derbyshire Dales Accessibility Partnership and the High Peak and Hope Valley Community Rail Partnership.**

Policy/Legal Background

- 3 The concept of RTPs was introduced by the Countryside Agency (CA) in 1997. RTPs have the purpose of assessing local rural transport need, with regard to people's ability to access jobs, services, and other social activities, and to provide locally tailored solutions from a wide range of sources. The Authority has been involved with, and provided funding for, two corridor-based Derbyshire partnerships: the Hope Valley and High Peak Transport Partnership (HVHPTP) and the Derwent Valley RTP (DVRTP). CA funding ceased in March 2006, but was temporarily replaced by funding from EMDA pending a review of local RTP Futures. The concluding report of this review was published in December 2006. This was the subject of an Authority report on 30 March

2007, minute reference 38/07, which gives more extensive details of the policy background to RTPs.

- 4 Since publication of the RTP Futures report, Derbyshire County Council officers, in consultation with existing and potential partners, have assessed how viable the report recommendations are, and taken forward viable ones, whilst seeking alternatives to the recommendations that were not suitable. This has been a long process, but Derbyshire County Council is now at a stage of implementing the proposed revisions to RTPs to enable a revised and hopefully more financially stable structure to be fully implemented from the financial year 2008/9 onwards.

Key Issues

- 5 Revised Partnership Structure
A diagram of the proposed revised structure can be seen at Annex 1. The proposed revised structure consists of a Derbyshire Accessibility Coordinating Group (DACG), the purpose of which would be to guide and advise the local partnerships across Derbyshire, to ensure consistency. Derbyshire County Council may propose that this group becomes the Transport/Accessibility sub-group of the emerging Local Area Agreement (LAA) structure. Beneath the DACG there would be three partnership areas, one in the North West of Derbyshire, one in the South East of Derbyshire, and one in the North East. Although there would be three partnership areas, there would be five partnerships, as two of the partnership areas have rail lines within them, so the proposal is to have two partnerships solely concentrating on rail alongside the wider 'accessibility' partnerships for the area.
- 6 HR Implications of Changes
All of the partnership officers are to be managed by Derbyshire County Council, to ensure consistency across the partnerships. In addition, in terms of the North West partnership area, in order for the two partnerships (High Peak and Hope Valley Community Rail Partnership, and High Peak and Derbyshire Dales Accessibility Partnership) to be financially viable, Derbyshire County Council are proposing to utilise some specific Local Transport Plan (LTP) funding for LTP projects within the area covered by the partnerships. Thus, as Derbyshire County Council are responsible for implementing these projects, they would like those partnership officers to be managed by them. This has implications for the existing HVHPTP staff, who are managed by the Authority, with contracts until the end of March 2008. Discussions have taken place between the Authority's Human Resources and Transport Policy Manager, and Derbyshire County Council officers and they have established that there are significant differences between the existing HVHPTP posts and ones proposed by Derbyshire County Council, and have therefore recommended that TUPE does not apply to them. Therefore, the current post holders will come to the end of their contracts on 31st March 2008 and the 2 posts (one job shared) will be disestablished i.e. the Project Officer (HVHPTP) and the Information & Administration Assistant (HVHPTP). All three members of staff accept the situation and would not have wished to transfer. Two of the three staff affected have been given notice, and given their length of service are eligible for redundancy payment, paid for by the partnership if suitable redeployment opportunities do not arise elsewhere in the Authority. The third member of staff has already vacated her post and, as she has already secured a temporary appointment elsewhere in the Authority and understands that there is no post to return to at the end of this temporary appointment and no redundancy payment due given employment in another post in the Authority.
- 7 Authority Representation on Revised Partnerships
It is proposed that the Authority is involved in the DACG, the High Peak and Hope Valley

Community Rail Partnership, the High Peak and Derbyshire Dales Accessibility Partnership and the South East Derbyshire Community Rail Partnership.

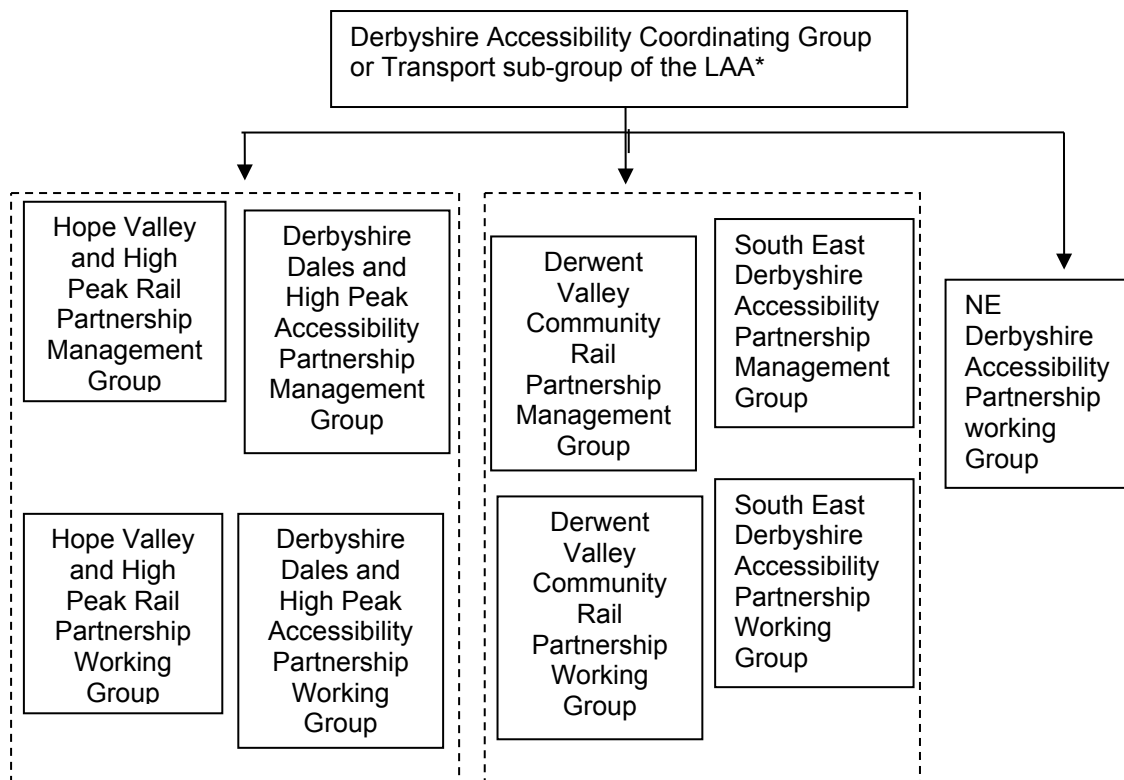
- 8 The DACG is to be an officer level group that would not require any funding, as it is an advisory body, rather than having an implementation role. The structure of each of the three local partnerships that Derbyshire County Council are putting forward includes a management group attended by members (supported by officers) and a working group at officer level only.
- 9 **Member representation on Revised Partnerships**
Officers recommend that the Authority have the same level of representation on the management group as other local authority partners. This requires the Authority to elect at least three members (one for each partnership) to represent the Authority as an approved duty. Three members would be the minimum, with the potential to have deputies when the main representative cannot attend a meeting. However, a deputy Member duty is not necessarily needed, as officers can represent the Authority in the absence of member representation. In terms of expertise, it would be beneficial for the members representing the Authority on the partnerships to either have knowledge of the local area or transport.
- 10 **Officer Concerns**
Officers have spent a significant amount of time and effort working with and trying to influence Derbyshire County Council's proposals for accessibility and rail partnerships since the review process began in 2006. We have been successful with some of our influencing, for instance, the High Peak and Hope Valley Community Rail Partnership terms of reference now includes cross boundary links and visitor travel, and specifically mentions aiming to achieve National Park Management Plan Outcomes. However, unfortunately, officers still have two significant remaining concerns that we have been unable to persuade Derbyshire County Council to address to our satisfaction. The relevant officers at Derbyshire County Council are aware of these remaining concerns, and have seen this report.
- 11 Firstly, the proposed structure for the partnerships is extremely cumbersome and complex. One of the reasons the review of RTPs was put forward was to simplify and streamline the partnership structure, so the view of Authority officers is that adding to the number of partnerships without simplifying their structure has not streamlined the overall partnership structures. Although, officers recognise that accessibility partnerships have not existed in the past. The cumbersome structure leaves officers with concerns regarding officer and member availability for all the necessary meetings, and a duplication of agenda at different meetings, for instance, the Management and Working Group meetings. One of our suggestions was the idea of an Annual Members Forum which delegated decisions on delivering an annual partnership programme to streamline the process.
- 12 Secondly, officers would expect the new partnerships to be based on the principle of inclusiveness, with public sector authorities, communities and transport operators all fully represented at the Management Group level. However, the proposed structure is based on funding partners automatically having voting rights, and a couple of non-funding groups being voted onto the Management Group by the Working Group. This leaves officers concerned that funding partners have a significant amount of control over the partnerships, and that other partners, for instance the voluntary and community sector, have very little say in the partnerships.
- 13 Derbyshire County Council officers have indicated that they are extremely unlikely to change their proposals any further at this stage of the review process. Authority officers have made every effort to influence the process, but Derbyshire County Council do not

share our concerns and other potential partners do not have as strong a view, so there is a lack of support for our concerns. Therefore, officers have taken a pragmatic view that in order to expedite the arrangements members could accept the proposals for set up of the partnerships and work to influence the partnership in addressing streamlining and inclusiveness as part of the partnership process.

APPENDIX

Background

14 Annex 1: Proposed Structure



* It is still to be determined whether these two groups can be combined, or whether both will exist. At present, a transport sub-group has been proposed as part of the sustainable communities block of the Derbyshire LAA. Therefore, as neither this nor the DACG have been established, there is the potential to combine the two groups. Derbyshire County Council are currently looking into this option.

Resources

15 **Authority contribution to Partnerships**

The current 2007/8 Transport Policy Team contributions to RTP partnerships is:

Partnership	Level of funding
Hope Valley High Peak Transport Partnership	£4000
Derwent Valley RTP	£4000
Total	£8,000

Table 1: 2007/8 contributions to partnerships

Proposed 2008/9 funding

Within the proposed, but yet to be approved, terms of reference for the new partnerships, a funding partner with a place on the Management Group, would need to contribute at least £2,000 per year. The Transport Policy Team proposes to contribute the following amounts from their existing budget to the new partnerships.

Partnership	Level of funding
South East Derbyshire Community Rail Partnership	£2000
High Peak and Derbyshire Dales Accessibility Partnership	£2000
High Peak and Hope Valley Rail Partnership	£4000
Total	£8,000

Table 2: Proposed 2008/9 contributions to partnerships

Therefore, the total cost to the Transport Policy Team budget is the same as this financial year, thus there is no additional cost to the Authority. The difference in the proposed level of funding reflects the difference in the benefits that each of the partnerships would provide to the Authority, based on how much they assist us in meeting our corporate outcomes. It is thought that the High Peak and Hope Valley Rail partnership will provide the highest benefit to the Authority, as it is a key route for both visitors and residents to travel into the National Park. It is thought that the other two partnerships would provide slightly less National Park specific benefits (with the Derwent Valley line being a gateway into the Park and the High Peak and Derbyshire Dales Accessibility Partnership hopefully being able to offer access and leisure benefits), but that these are still important, and contribute to our corporate outcomes.

16 Transfer of remaining HVHPTP funding to Derbyshire County Council

As the accountable body for the HVHPTP, the Authority holds the partnership funds. It is extremely likely that when the partnership is wound up at the end of the financial year, it will still have funds remaining. As such, at its meeting on 28th January 2008, the HVHPTP Steering Group recommended that any remaining funds are transferred to Derbyshire County Council, with 75% of them to be used for the High Peak and Hope Valley Community Rail Partnership and 25% to be used for the High Peak and Derbyshire Dales Accessibility Partnership. Therefore, members are being asked to approve this transfer of remaining HVHPTP budget to Derbyshire County Council to be used for two of the new partnerships.

17 Memoranda of Agreement for new partnerships

The new partnerships will each have a set of Terms of Reference and a Memorandum of Agreement, the latter of which is to be signed by each funding partner. In combination, these documents clearly set out the partnership aims and objectives, the functions and structure of the partnership, partnership procedure and administration, the financial arrangements, and exit strategy.

18 A contractual obligation likely to be contained in the Memorandum of Agreement is regarding potential redundancy pay of partnership officers. This states that should the partnership not have sufficient funds to pay this when the partnership ends, that funding partners will be asked to contribute at a level that is proportional to their funding contribution, i.e. those who contribute more funding to the partnership will be requested to do the same with regard to potential redundancy pay. In the event of this occurring, it is unlikely that the amount requested from the Authority would be significant.

19 It is requested that Members delegate approval to the Chief Executive and Head of Law for the Authority to sign up to the three relevant Memoranda of Agreement. In advance of the Chief Executive and Head of Law being asked to sign the Memoranda of Agreement, the Transport Policy Manager will use the Checklist for new partnerships and partnership agreements, as outlined in the Audit and Performance Committee report of 27th April 2007 on Partnership Protocol and Toolkit (minute reference 24/07), as a guide to negotiating appropriate Authority commitments to the partnerships.

20 Implications of TUPE Outcome

As stated earlier in this report, it has been determined that TUPE does not apply to any of the HVHPTP posts. Therefore, the fixed term contracts of the Hope Valley and High

Peak Transport Partnership Officer and Information and Administrative Assistant posts will end on 31st March 2008. The current post holders are being taken through the appropriate HR procedures regarding redeployment, and potential redundancy the cost of which (£2,279) will be funded by the Partnership.

Risk Management

- 21 The Transport Policy Manager will ensure that all HR changes will be undertaken within the Managing Change guidelines and with guidance from Human Resources.

Human Rights, Equalities, Health & Safety

- 22 There are no specific aspects that relate to this report.

Consultees

- 23 Chief Executive
Head of Human Resources and Performance
Head of Finance
Head of Policy Research and Partnerships
Head of Law

Enclosures

- 24 None

List of Background Papers (not previously published)

- 25 None

Report Author

- 26 Emily Davies, Transport Policy Manager

Publication date

- 27 18 March 2008