



# SCOTLAND'S **TRANSPORT**

## SCOTLAND'S TRANSPORT FUTURE: REGIONAL TRANSPORT PARTNERSHIPS – GUIDANCE ON MEMBERSHIP

**December 2005**

SCOTLAND'S TRANSPORT FUTURE:  
REGIONAL TRANSPORT PARTNERSHIPS –  
GUIDANCE ON MEMBERSHIP

**December 2005**

© Crown copyright 2005

ISBN: 0-7559-2846-6

Scottish Executive  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Executive by Astron B44408 12/05

Published by the Scottish Executive, December, 2005

Further copies are available from  
Blackwell's Bookshop  
53 South Bridge  
Edinburgh  
EH1 1YS

100% of this document is printed on recycled paper and is 100% recyclable.

**Content:**

Paragraph numbers

1. Purpose	1-2
2. Principles	3-9
3. Statutory provisions	10-15
4. Voting arrangements	16-21
5. Key roles and relationships	22-56
6. Process	57-67
7. Members' expenses	68-69
8. Contacts	70

**Annexes:**

- A Summary of the relevant provisions of the Act and Order
- B List of potential other members: suggestions received in response to October 2004 consultation
- C Differences between other members and advisers
- D Seeking a field of candidates – key steps
- E The role and criteria for appointment
- F Application form template



## Purpose of the guidance

1. This guidance is intended for statutory regional transport partnerships (RTPs), local authorities, the existing voluntary RTPs, potential members of statutory RTPs, potential advisers on RTPs, and other stakeholders.
2. The purpose of the guidance is to assist in the selection and appointment of other (non-councillor) members and advisers to RTPs, and to assist all members, or potential members, of RTPs by:
  - summarising the statutory requirements for membership of RTPs;
  - describing roles, skills and relationships;
  - advising on the appointments process for other members;
  - providing a timetable for the appointments by Ministers, by March 2006, in the first round of appointments.

## Principles

3. The Transport (Scotland) Act 2005<sup>1</sup> (“the Act”) places a duty on the Scottish Ministers to create regional transport partnerships covering the whole of Scotland. RTPs will bring together local authorities and other key regional stakeholders to take a strategic approach to transport in the region. The core task of all RTPs will be to draw up a regional transport strategy. Some partnerships will also be responsible for the delivery of transport services and initiatives and all RTPs will be able to take on additional powers in order to ensure the implementation of their strategy.
4. The majority of members will be drawn from local authorities within the region – the constituent councils. The number of councillor members to be appointed by each constituent council is set out in The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 (“the Order”). Around a third of the membership is drawn from outside the councils and one of the purposes of this document is to guide the appointment of these “other members”.
5. Ministers have agreed that the principles of appointment on merit and in a proportionate and non-exclusive way should apply where appointments to a body fall outwith the remit of the Commissioner for Public Appointments in Scotland, as in the case of RTP appointments. Principles which should govern the selection and appointment of members:
  - transparency;
  - appointment on merit – the best person for the role should be appointed;
  - achieving a balance among the non-councillor membership.
6. Where possible, non-councillor members should have a broad geographical interest rather than any particular local interest.

---

<sup>1</sup> <http://www.opsi.gov.uk/legislation/scotland/acts2005/20050012.htm>

7. Nomination by local authorities of councillor members is entirely a matter for the respective councils. However, there is likely to be benefit in appointing councillors with responsibility for transport (as an executive member or as the member of the relevant council committee) or a closely linked subject such as planning, economic development or the environment.
8. In general, the number of councillor members has been allocated on the basis of relative population within the partnership area.
9. Ministers and RTPs can both appoint advisers (described in the legislation as “observers”) who can participate in proceedings but who may not hold office in the RTP or participate in its decisions. Beyond that there could be a range of possible ways in which advisers could participate in the work of RTPs, bringing additional skills or particular expertise to the table, offering a different perspective, or assisting in cross-boundary working. This may be particularly helpful in small RTPs where the number of other members that can be appointed may be quite low.

### **Statutory provisions**

10. Details of statutory provisions are given in Annex A. The relevant provisions in the Act are already law; those included in the Order came into force on 1 December 2005.
11. Section 1 of the Act places the Scottish Ministers under a duty to establish RTPs by Order and that Order must provide as to the constitution and membership of each partnership. Section 1 provides that the Order shall secure that:
  - each constituent council shall appoint between 1 and 5 councillor members;
  - any one RTP can never have more than 20 councillor members; and
  - each RTP is required to have a certain number of other members: these will be appointed in the first instance by the Scottish Ministers and after the 2007 local government elections by the RTP itself.
12. Members appointed by councils will be serving elected members of the council nominating them. Unless their membership is otherwise ended, they would continue to serve until the first meeting of the council after a local government election. At that point they could be reappointed by their council or replaced. If a councillor member is defeated in a council election, or stands down prior to a council election, then they would continue nevertheless to be a member of the RTP until their replacement was appointed – this ensures continuity during the electoral period.
13. Substitutes may be appointed by the council and must be members of the same council. Substitutes do not need to be ‘tied’ to individual members – a councillor member who could not be present at more than one meeting could be replaced by different substitutes at different meetings; those councils with more than one member might find it helpful to have a small ‘pool’ of substitutes who would be able to keep abreast of RTP business. However, if two councillor members from the same council were absent from the same meeting then one substitute could not do the job of both – two substitutes would be required.

14. Councils may prefer, for reasons of continuity, for each substitute to shadow one councillor member. Sometimes this will be a necessity, due to the political balance of the council's representation. This approach is permitted under the terms of the Order.
15. Councils would be able to replace their representative at any time – see paragraph 24 (notice periods etc may be agreed with RTPs for orderly and efficient administration). However, under the terms of the Order, reasons must be given to the RTP. If this is purely an administrative change then the reasons will be fairly straightforward.

### **Voting arrangements**

16. It is expected that most decisions will be reached by consensus. This has been the experience of Strathclyde Passenger Transport Authority (SPTA) – a large statutory body with significant operational responsibilities – and of the voluntary RTPs. There is no reason for the new bodies not to make decisions based on consensus. This should particularly be the case once approved regional transport strategies are in place to guide decision-making.
17. However, there are likely to be occasions when progress depends on putting decisions to a vote.
18. Councillor members will have one vote each<sup>2</sup> with a weighting of between 1 and 4.
19. The RTP can decide to allow other members to vote on any matter<sup>3</sup> other than:
  - the amount of funding to be granted by each constituent council to the RTP i.e. the requisition;
  - the making of a request to the Scottish Ministers for the conferring of additional functions on the RTP.
20. Decisions will normally require a simple majority of those members present who are entitled to vote. RTPs will be able to amend their Standing Orders to require a two-thirds majority for certain specified decisions. This decision itself, for consistency, will also require a two-thirds majority.
21. Votes can only be taken in valid meetings, which require a minimum number of members to be present (this applies even if no votes are taken – no official business can be carried out). The quorum for RTP meetings, including any formal committees and sub-committees is 25% of the total membership (councillor and other members combined, irrespective of the voting rights of other members). The RTP, through adoption of its own Standing Orders, could agree to have a higher quorum but could not agree to have a lower quorum. It can never be reduced to less than 25%. Prior to the appointment of other members the quorum will be not less than 25% of the councillor members.

---

<sup>2</sup> The Act requires these votes to be weighted by a factor of 1-4 – weightings are set out in the Order.

<sup>3</sup> Of course, even if other members are given votes on certain matters they would only be able to vote on further extension of their voting rights if this was one of the matters over which they were given the right to vote. Logic suggests that this would be unlikely to happen.

## Key roles and relationships

### *Councillor members*

22. The councillor members will be at the heart of the new transport partnerships – in many ways it is their leadership and contribution to strategic regional transport planning that will determine the level of success of the RTPs and whether the new independent bodies make the positive impact on regional transport that Ministers and Parliament are seeking.
23. Councillor members will always be involved in decision-making with full voting rights. They alone will be able to vote on a request to the Scottish Ministers to confer functions on a partnership. They alone will be able to decide how much of the RTP's net expenses should be provided by each constituent council. (See paragraph 19)
24. The strength of the role of the councillor member derives from its accountability. Each councillor member is appointed by his or her council and is, through the council, accountable to the electorate for their performance in the role. The council has an important role in ensuring that their councillor member or members are performing adequately in their role – and for taking action in the event, hopefully rare, of a councillor member being negligent in their duties. It is also possible for a council to replace a councillor member at any time, probably as part of a wider 'reshuffle' of membership of committees, joint boards etc. The Executive would advise caution against too many such changes as stability of membership will be an important factor in an RTP's success in driving forward transport improvements that can, necessarily, take several years to come to fruition.
25. Although councillor members will be appointed by the constituent council, and be accountable to that council, their role as a member of the RTP will require them to think beyond the boundaries of their own local authority. This is not a novel requirement and already applies in bodies like SPTA and joint boards. Of course this can sometimes place a tension between local loyalties and regional responsibilities which elected members of any authority face (councillors always have to balance their concerns for their ward with those of the whole council area; MSPs have to represent their constituents and at the same time be part of collective decisions affecting the whole of Scotland). There is no guidance that can remove that tension – Ministers and Parliament agreed that councillors should be the core of the new partnerships. All members are appointed to further the interests of the RTP and no other interest.

### *Other members*

26. Other members are appointed on a personal basis, primarily to assist in the strategic work of the RTP, and not to engage in representational activities. They should fulfil the kind of role that Non-Executive Directors make in other organisations.
27. The Order requires around a third of the membership of RTPs to be drawn from beyond the constituent councils. These other members should bring a range of benefits to the work of the RTPs, for example:
  - Personal and/or operational expertise and demonstrable knowledge from working at board/strategic level in business, the public sector or the voluntary sector.
  - Regional rather than local perspective.
  - Detachment from local and national politics.

- Political and media awareness.
  - Transport knowledge (this could be knowledge of the transport issues pertinent to one or more sector e.g. business, healthcare, the environment, economic development etc)
  - Financial awareness.
  - Communication skills.
28. Although not precluded by the legislation, there should be a presumption against one person being a member of more than one RTP.
29. The role of the other members is as important as that of the councillor members. An RTP that realises the potential of other members will benefit from a wider range of perspectives and from governance expertise gained in different organisational and operating environments.
30. Although other members might not initially have votes (this will depend on decisions by the councillor members), this should not lead to members being viewed as having first or second-class status. As few decisions should go to a vote, other members should be fully involved in the achievement of consensus. Their contribution to discussion will be as valid as those of the councillor members.
31. RTPs should aim to avoid distinctions between councillor and other members wherever possible. Although unavoidable in legislation and this guidance, and likely to be difficult to avoid in the early stages, as all RTP members get used to the new arrangements, in the longer term all RTP members should focus on their common purpose and goals and on their collective responsibility for drawing up and delivering a regional transport strategy.
32. In making their appointments, RTPs (and, in the first instance, the Scottish Ministers) should aim to achieve a mixture of other members to promote a range of perspectives around the table – e.g. efforts should be made to try to ensure that where possible they are not all male or not all drawn from the business sector. RTPs may also wish to consider recommending lay members to give a different perspective.
33. The list of potential members below is not an exhaustive list. It is intended to suggest to RTPs groups or organisations from which non-councillor membership might be drawn:
- Academics
  - Business associations and interest groups
  - Chambers of Commerce
  - Community transport organisations
  - Environmental groups
  - Freight interests
  - Locals Enterprise Companies
  - NHS bodies
  - Scottish Enterprise/Highlands and Islands Enterprise
  - Tourism organisations
  - User groups
  - Voluntary groups

34. The full list of suggestions received in response to the October 2004 consultation paper<sup>4</sup> is attached at Annex B.
35. Transport experts, and those from other fields, potentially have a useful role to play in assisting the work of RTPs but should be called upon as and when required rather than being considered for membership. It is likely to be more appropriate to draw on their services as advisers or in assisting the work of officers, or as and when required.
36. Engagement with transport operators will be essential to much of the work of the RTP. It may be appropriate that this is done at officer level, or by offering adviser status, or by inviting operators to attend RTP meetings as and when required.

### *Chairperson*

37. Paragraph 4(1) of Schedule 2 to the Order requires each RTP to elect a Chairperson from amongst its members. The Chairperson can be a councillor member or an other member. He or she cannot be an observer.
38. The Order also requires that the RTP appoints as many Deputy Chairpersons as it considers appropriate. This could be none, though some arrangement would need to be made in Standing Orders to cover the eventuality that the Chairperson would miss a meeting. It seems sensible to appoint at least one Deputy Chairperson.
39. The Chairperson will play an important role in building and leading the RTP. He or she will be drawn from the membership – councillor or other – and will quickly have to earn the trust and respect of his or her colleagues. The Chairperson will have a key role not just in guiding formal discussion and decision-making but in vital preparatory work, working closely with members and officers.
40. The Chairperson would have a casting vote in most decisions should a decision not be reached by majority vote. However, it is not expected that this would often, if ever, need to be exercised. The Chairperson could not have a casting vote on an issue on which he or she did not have a deliberative vote. The Chairperson should aim to avoid votes as far as possible and find consensus by weighing up the points made in discussion by members and keeping the focus on the objectives and responsibilities of the RTP.
41. Voting is not expected to be used often to reach decisions. The other members might not, in the first instance, have a vote but their role on the RTP is important and their opportunity to have an input to discussions should be equal to that of the councillor members. The Chairperson should ensure that all members have equal opportunity to state their point of view, to challenge points made by colleagues, to respond to challenges and questions, and to be part of the consensual decision-making process.
42. The Chairperson is also likely to be the most visible of the members – the RTP’s public face. This representational role will require a solid grasp of the issues and the ability to present the RTP as a serious player to a range of stakeholders, including the constituent councils. The Chairperson will also be the key contact point for the Minister for Transport – good working relationships between the Minister and the RTP Chairpersons, collectively and individually, will help to foster open and positive collaboration between the Executive and the new partnerships.

---

<sup>4</sup> *Proposals for Statutory Regional Transport Partnerships* <http://www.scotland.gov.uk/consultations/transport/rtpc-00.asp>

43. The Order places a restriction on the number of years that a single member can serve as an office-bearer: 8 years (i.e. two full council terms) as Chairperson plus 8 years as Deputy Chairperson<sup>5</sup>. It may be that an RTP would want someone to serve as a Deputy before being elected Chairperson but there is no requirement for this. A member could serve 8 years as Deputy then 8 as Chairperson; or 4 as Deputy followed by 4 as Chairperson and then conceivably another 4 as Deputy and another 4 as Chairperson. Within the limits set by the Order, this will be for the RTP to decide.

*Advisers/Observers*

44. The Act makes provision for the appointment of observers. That suggests a passive role but RTPs should consider appointing individuals who, as advisers, can make a valuable contribution. The provision enables a small RTP with a limited number of other members to provide additional seats at the table and allows a means for RTPs to bring to its discussions people with a useful input to make but who were not appointed as other members (an example might be transport operators where the risk of conflicts of interest may be high if the RTP has operational responsibilities for public transport). The term “adviser” seems a more accurate representation of this more active role and therefore, for their day-to-day business RTPs may prefer to use the term *adviser* in preference to the legal term *observer*, and the remainder of this guidance observes that principle.
45. Parliament decided that other members should not have votes, unless the RTP itself decides otherwise. It has therefore been suggested that the distinction between advisers and other members is less clear. It is true that voting rights marked a clear distinction between other members and advisers but even where these are given to other members it will only be an evident distinction on a small number of occasions. Observers, or advisers, will be able to contribute fully to discussions but not vote. In that sense, like members, they should be included in the business of the RTP. In single-authority partnerships it is possible for both members and observers to fulfil a role akin to that of a Non-Executive Director
46. However, there is a clear difference in legal and formal status between members and advisers. Advisers do not carry any responsibility and are likely to be drawn from either specific interest groups or to bring a particular knowledge or expertise. They may therefore not be expected to participate in all discussions or all meetings, only those for which their particular knowledge or interest is relevant. It is for the RTP to specify in Standing Orders the roles and rights of advisers at Board meetings. A list of the key differences between other members and advisers is attached as Annex C.
47. An RTP can choose not to appoint any advisers at all.
48. The Scottish Ministers can also appoint observers but this is intended to be used sparingly, if at all, and most likely only if it is felt strongly by Ministers that a particular view should be heard by the RTP and that this cannot be facilitated in any other way. There are no current plans for the Scottish Ministers to appoint observers<sup>6</sup>.

---

<sup>5</sup> There is no limit to the number of terms or years that a councillor member, other member or observer can serve on an RTP.

<sup>6</sup> A distinction should be made between these formally appointed, participating observers and Scottish Executive officials who are likely to attend RTP meetings as a largely passive observer in the more traditional sense. These officers would be attending as part of their role in supporting the creation and successful operation of the RTP and would be able, if invited, to speak to the meeting and answer questions.

### *Regional consultative forum*

49. Although other members and advisers will expand the range of people around the RTP table, there are within each region many other individuals and groups with an interest in transport and with a useful contribution to make to the debate.
50. There is also a legislative requirement for the RTP to consult on its regional transport strategy and it will be good practice for it to keep in touch with the wider community. A consultative forum offers one means of engagement. The RTP's statutory role in Community Planning will also ensure that it is engaged with its key local stakeholders.
51. A consultative forum would probably meet regularly rather than frequently – no more than once a quarter. It could have a fixed membership or be an open forum for any interested parties to attend. It could have added benefit by moving around the region, or by having sub-regional meetings to widen the number of people who could attend.
52. The Executive does not intend to be prescriptive but does encourage RTPs to test out different ways of drawing the wider community into, in particular, the development of the regional transport strategy. The Executive will facilitate the exchange of good practice in consultation and engagement between RTPs.

### *Ethical Standards*

53. RTPs must guard against conflicts of interest. Arrangements for declarations of interest should be dealt with in Standing Orders. RTPs will also need to draw up a Code of Conduct for its members under the terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
54. The Ethical Standards in Public Life etc. (Scotland) Act 2000 established a framework to ensure that the highest standards of behaviour are maintained by local authority councillors and members (such as board members) of certain public bodies. It introduced Codes of Conduct which these councillors and members must comply with at all times in their duties. It established the Office of the Chief Investigating Officer to receive complaints by any member of the public about non-compliance with these Codes and the Chief Investigating Officer may choose to investigate these complaints. It also established the Standards Commission for Scotland to hold hearings into alleged breaches of the Codes and to issue guidance and dispensations to councillors and members.
55. More information on the Ethical Standards framework and Codes of Conduct are available on the Scottish Executive's website at:  
<http://www.scotland.gov.uk/Topics/Government/local-government/ethical-standards/intro>

### *Diversity*

56. RTPs will be expected to mainstream equal opportunities in their work by giving consideration to the impact on equality of opportunity when developing policy and making decisions. RTPs should also consider how it can attract other members from a range of groups.

## Process

### *First Round of Appointments - 2006*

57. Councillor members are appointed by the constituent councils (see Annex A). The new statutory RTPs will have their full membership after Scottish Ministers appoint the first set of other members (see below). These first non-councillor member appointments will expire sometime after the local government elections in May 2007 (see paragraph 64).
58. The Scottish Executive will manage the process and advertise in consultation with the RTPs. The RTPs will sift the applications and produce of a short list of appointable candidates. The process will consist of (1) advertising in January 2006, (2) a paper sift, if necessary, to produce a long list, (3) a further paper sift, to produce a short list, (4) interview (or telephone discussion interview) by the RTP, and (5) Ministerial selection and appointment in March 2006. Recruitment consultants will be available to support the process.
59. The Scottish Ministers will invite recommendations from RTPs of individuals whom they have appraised as meeting the published criteria and consider to be suitable for appointment.
60. Each RTP should recommend a number of individuals, whom they consider to be suitable for appointment, related to the range set out in the Order i.e. if an RTP wishes to appoint 4 other members it should recommend between 6 and 8 individuals from whom Ministers can select and appoint. Nominations should be supported with information on each nominee – their professional skills and knowledge – an assessment of their strengths and weaknesses based on the selection process - and a supporting statement. The supporting statement should set out the reasons for nominating this person based on the process used to select them and the benefits that they are expected to bring to the RTP. This should demonstrate how their skills and knowledge measure against the criteria for the post together with a brief overall summary of their suitability for appointment. It should also be made clear that the nominated person has agreed to serve, if appointed. Public appointment processes may no longer include ranking of candidates put before Ministers.
61. All appointments to RTPs should be made on the basis of fair, open and transparent processes based on public advertising (with slightly different arrangements for single-authority RTPs), and all appointments should be made in a way that is consistent with Nolan principles. It is open to RTPs to seek candidates to be other members by inviting them to apply. This might include:
- inviting applications from current non-councillor members or member organisations of voluntary RTPs;
  - inviting applications from representative groups or organisations for membership;
  - inviting applications from the Chairperson of a regional consultative forum, or other member of the forum elected for the purpose of seeking appointment as a member of the RTP.
62. A number of simple steps that can be followed to draw up a short list of suitable candidates are listed at Annex D.

63. The only anticipated exception to appointment through public advertising will be in the case of single-authority RTPs. Scottish Ministers have decided that the membership of single-authority RTPs (i.e. South-West of Scotland Transport Partnership and Shetland Transport Partnership) should include other members drawn from the corresponding health board and Local Enterprise Company. This in effect means that the criteria for selecting the best person for the 2 places available in each of these RTPs will include being part of either of these bodies. It would therefore be artificial and misleading to go through a public advertising process, and only the health board and the LEC would be invited to seek membership. The individuals to be considered by the RTP and appointed by the Minister should nevertheless be assessed against all the other criteria for appointment. Given the special status of these appointments, the members would be expected to give up their appointment on the RTP if they ceased to be members of their sponsoring organisation – health board or LEC.
64. Those other members appointed by the Scottish Ministers will remain members until the date indicated in their appointment letter – this will be around 6-12 months after May 2007 to support continuity and stability as there is likely to be quite a number of changes in the councillor membership following the May 2007 elections, conducted for the first time under a system of proportional representation.
65. The RTP will, when deciding on its own first appointments of other members after May 2007, be able to consider those already in post. It should carry out an appraisal of each other member's contribution before considering any re-appointment. There is no limit to the number of times an other member can be appointed, or the number of years he or she can serve. However, a balance between continuity and refreshment should be struck.

#### *Subsequent Rounds of Appointments*

66. After the local government elections in May 2007 the non-councillor members will be appointed by the RTP but subject to the consent of Scottish Ministers. The RTP should send to the Scottish Ministers the names of the other members it proposes to appoint along with a brief summary of the benefits they will bring to the partnership and of the process used to select them. Consent, or any other response, will be given within one calendar month.

#### *Guidance for Board Members*

67. *On Board: A Guide for Board Members of Public Bodies in Scotland*<sup>7</sup> provides a comprehensive standard induction pack covering generic issues such as roles and responsibilities of public bodies, and accountability and governance arrangements to supplement tailored induction and training.

## **Members' expenses**

---

<sup>7</sup> *On Board: A Guide for Board Members of Public Bodies in Scotland*  
<http://www.scotland.gov.uk/library5/social/obgbm-00.asp>

68. Only officials of RTPs are in paid employment. In terms of paragraph 8 of Schedule 2 to the Order an RTP may pay to its members and advisers (observers) such expenses as it determines. The Order does not provide for members to be remunerated. It is intended to review this in 2007 in the light of the review of councillors' remuneration. In the meantime transitional arrangements will be put in place to allow office-bearers' responsibilities to be reflected.
69. Each regional transport partnership should agree arrangements for the payment of expenses to members. These should be transparent and the rates of expenses paid reasonable. It is advised that current regulations<sup>8</sup> on levels of expenses to be paid by local authorities should be observed.

**Contacts for further advice**

70. Contact details:

- Transport Strategy Division, 2-D, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 0840)

---

<sup>8</sup> Scottish Executive Circular LGC&GD 1/2001 dated 10 April 2001

## STATUTORY PROVISIONS

### Relevant statutory provisions of the Transport (Scotland) Act 2005

1. Section 1(1) obliges the Scottish Ministers to, by order, divide Scotland into regions and for each region create a Transport Partnership and provide as to the constitution and membership of each Transport Partnership.
2. Section 1(2) (a) limits the total number of councillor members in any one Transport Partnership to a maximum of twenty. Section 1(2)(b) requires that the membership of each Transport Partnership includes at least one but not more than five councillors from each council whose area or any part of their area falls within the Transport Partnership's region.
3. Section 1(2) (c) requires the Scottish Ministers to appoint additional members to each Transport Partnership. Under section 1(3) this requirement will only continue until the council elections of May 2007. Thereafter, under the terms of section 1(2) (c), these other members will be appointed by the Transport Partnership itself, and these appointments will be subject to the consent of the Scottish Ministers.
4. Section 1(2) (e) requires the Scottish Ministers to establish in the order the decision-making rules for a Transport Partnership. Each councillor member will have one vote but, under section 1(4), councillor members shall have their votes weighted by making them count as one, two, three or four votes. Section 1(2)(e)(i) ensures that councillor members may always vote and that other members may vote on such matters as the Transport Partnership determines are appropriate. However, other members may never vote on the amount of funding to be provided by individual councils to a Transport Partnership, as provided for by section 3(2)(a) or on the making of a request to the Scottish Ministers to confer transport functions on a Transport Partnership by an order made under the provisions of section 10(1).
5. Section 1(2) (f) gives powers to the Scottish Ministers to determine that certain offices of the partnership, for example the Chairperson or Deputy Chairperson, can be held only by councillor members and not by other members.
6. Schedule 1 paragraph 17 amends the Ethical Standards in Public Life etc (Scotland) Act 2000 to add the Transport Partnerships to the list of devolved public bodies for which they are to be codes of conduct for their members.

### Relevant provisions of The Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005

7. Schedule 1 of the Order sets out the number of councillor members to be appointed by each constituent council. It also sets out the voting weights of councillor members and the range of other members to be appointed to the Transport Partnership. The upper limit of this range is set in such a way as to ensure that if other members were able to vote on an issue, they would not have collectively more than one-third of the total votes.

8. Most of the provisions on constitution and membership are contained in Schedule 2 of the Order. (All references that follow to paragraphs are to paragraphs in Schedule 2.)

### Councillor members

9. Councillor members are always appointed by the constituent council. Paragraph 1(9) places a duty on constituent councils to make their first appointments as soon as practicable after the coming into force of the Order and at the latest by a month after the coming into force of the Order. The Order came into force on 1 December 2005.

10. The period of appointment of a councillor member lasts until the first meeting of the council following the next ordinary council election (see paragraph 2(1)). Therefore a councillor member appointed at the first meeting of the council after one election will serve a full 4 years unless he or she resigns or is replaced mid-term by the council. If at any time prior to the election a councillor member ceases to be a councillor, for whatever reason, he or she immediately ceases to be a member of the RTP and the council will have to appoint a replacement. At the first meeting of the council following each ordinary election, the new council is obliged to appoint new councillor members to the RTP, under the terms of paragraph 1(8)(a). So there should not be a period where there are not sufficient members in place to continue business.

11. Paragraph 1(10) requires that the council sends the names of the first appointees to the person responsible for convening the first meeting of the RTP. The specified person for each RTP is set out in paragraph 6(2), and is the chief executive or lead officer of the largest council in each Transport Partnership.

12. Paragraph (13) requires that the council sends the names of appointees, including councillor members appointed mid-term due to a vacancy arising and substitute councillor members, to the secretary of the RTP. It is a requirement under paragraph 5 for the RTP to appoint someone to be its secretary.

13. Paragraph 1(11) enables councils to appoint substitutes in case a councillor member cannot attend a meeting of the RTP. Substitutes must be councillors of the same council.

14. Paragraph 2(3) enables a councillor member to resign their membership of the RTP by giving notice in writing to the secretary of the RTP and to the appointing council. Resignation cannot be refused.

15. Paragraph 2(4) enables a constituent council to terminate the membership of any of the councillor members they appointed at any time. The Chairperson and secretary of the RTP should be informed of this, and the reasons for it, as should the councillor member themselves.

16. The RTP does not, itself, have the power to remove any of its councillor members. However, if the Partnership determines that a councillor member should be removed, the Chairperson should write to the constituent council concerned to request that the council terminates the membership of that member. This request should not be refused unreasonably. A council could be considered to be acting reasonably in refusing such a request if the RTP had failed to give reasons for the request. This procedure is set out in paragraphs 2(5) and (6).

### Other members

17. The first set of other members will be formally appointed by the Scottish Ministers, in line with paragraph 1(3). This Ministerial role will end at the time of the council elections in May 2007. Thereafter, paragraph 1(4) requires the RTP itself to appoint other members, subject to the consent of the Scottish Ministers.

18. Any vacancies arising prior to May 2007 will be filled by other members appointed by the Scottish Ministers; after that date by the RTP.

19. Other members are appointed for 4 years unless otherwise specified at the time of their appointment – see paragraph 2(7). It would be appropriate for this to be set out clearly in their letter of appointment, for the avoidance of any doubt. The first appointments of other members, by the Scottish Ministers, will run until around 6-12 months after the elections in 2007. This will enable some stability and continuity of membership.

20. Like councillor members, other members may resign at any time by writing to the secretary of the Partnership. Unlike councillor members, other members can be removed by a vote of the Partnership itself. However, this can only be if one or more of the conditions set out in paragraph 2(9) are met (bankruptcy, serious illness, consistent unapproved absence, inability or unsuitability for the role).

### Observers (advisers)

21. Observers can be appointed by either the RTP or the Scottish Ministers. The RTP does not need the consent of the Scottish Ministers for these appointments, nor vice versa.

22. Observers are appointed for 4 years unless otherwise specified at the time of their appointment. Their membership can be terminated by resignation or by the decision of the partnership, in the same way as for other members.

## LIST OF POTENTIAL OTHER MEMBERS: SUGGESTIONS RECEIVED IN RESPONSE TO OCTOBER 2004 CONSULTATION

<b>RESPONSES TO Q6: Are there some particular organisations that you believe ought to be represented on some or all of the new partnerships?</b>			
<b>Should be represented</b>			
National & Local Enterprise bodies	25	NGO's	2
Transport operators	19	Transform Scotland	2
Business/ business development	17	Young people	2
NHS/ Health boards	12	ATOC	1
Tourist Board (Visit Scotland)	10	Bridge authorities	1
Transport user groups	10	CECA	1
Environmental agencies/ groups	9	City region partnerships	1
Planning departments	8	Cycling groups	1
Community transport groups	7	Federation of small business	1
Freight/ road haulage groups	7	FETA	1
SCDI	7	Fire Brigade	1
Chambers of Commerce	6	Forth Estuary Forum	1
Older people (Age Concern)	5	Glasgow airport	1
Representatives of the entire region	5	HIPTF	1
AA/ RAC	4	Institute of Chartered Engineers	1
Association of Transport Providers	4	IHT	1
Confederation of Passenger Transport	4	Inclusion Scotland	1
Disability access groups	4	Jobcentre Plus	1
Economic development	4	Local authorities	1
Local Economic Forums	4	National Park Authorities	1
Voluntary groups (SCVO)	4	Neighbouring RTPs	1
CalMac/ Ferry operators	4	NPA's	1
Education/ school boards	3	RHA	1
For RTP to decide	3	RMT	1
National Transport Agency	3	RUCC	1
Police	3	School bus operators	1
Pressure groups	3	Scottish Executive	1
Roads/ trunk road management	3	Scottish National Heritage	1
Academics	2	SEPA	1
Equality groups	2	Strategic groups	1
Highlands & Islands Airports Limited	2	TPS	1
Infrastructure providers	2	Trade Unions	1
Local communities	2		

Note: Numbers represent the number of times suggested by consultees.

**DIFFERENCES BETWEEN OTHER MEMBERS AND ADVISERS**

<b>Other members</b>	<b>Advisers/Observers</b>
Individuals with the right qualities to sit on the RTP drawn from the right background to bring personal experience and perspective to the RTP. They are appointed on a personal basis and not to represent any organisation (even if they are a member of such an organisation). The closest analogy is the role of a Non-Executive Director.	Individuals who are free to represent their organisation in their contributions to the RTP proceedings.
Share in responsibility for the decisions of the RTP.	Do not share in responsibility for the decisions of the RTP but can act as advisers.
Other members are required by the legislation.	Advisers are not required by the legislation and are discretionary.
Minimum and maximum numbers are set out in the secondary legislation.	No minimum or maximum number of advisers.
Ordinarily appointed by the RTP with the consent of the Scottish Ministers.	Appointed by the RTP without Ministerial consent or by the Scottish Ministers without RTP consent.
First round of other members appointed by the Scottish Ministers.	No distinct provision – above rules apply.
May hold office.	May not hold office.
No restrictions on their participation in proceedings of the RTP, other than voting.	Participation may be restricted by Standing Orders or the terms of their appointment e.g. only invited to certain meetings or to speak on certain items. Could be excluded from any closed sessions.

## SEEKING A FIELD OF CANDIDATES – KEY STEPS

The following key steps can serve as a general guide to a successful process for appointment made by Ministers to bodies which do not come within the remit of the Commissioner for Public Appointments. Although appointments to RTPs will not, after the initial appointment of other members, be made by Ministers - following these simple steps will help generate a good field of candidates and make a selection process easy and simple to manage:

- if judged necessary, invite someone not involved in the process to validate the planned arrangements before, during and on conclusion;
- again if necessary, secure the services of an independent expert on the subject matter dealt with by the body to assist in the identification and, if appropriate, selection of possible applicants;
- ensure that the process is recorded and documented with all relevant material retained for the duration of the appointment;
- define the task and the essential (and, if thought necessary, desirable) qualities sought **prior** to seeking applicants;
- seek to attract a range of candidates and provide prospective applicants with written information on the task and qualities sought;
- ask applicants to provide written confirmation/evidence of their suitability for appointment;
- test the applicants against the defined task and qualities sought;
- aim for a choice of candidates considered to meet the agreed requirements;
- arrange for the appointments to be publicised and ensure that a formal letter of appointment issues; and
- if appropriate, arrange for the appointee's performance to be monitored and feedback to be given.

## **ROLE AND CRITERIA FOR MEMBERSHIP AS AN RTP OTHER (NON-COUNCILLOR) MEMBER**

### **THE ROLE**

Consensual decision-making

Long-term strategic planning

Budget approval and resource allocation

Communicating policy and strategy in public

Negotiating and influencing

### **THE CRITERIA**

#### **Essential**

Personal and/or operational expertise and demonstrable knowledge from working at board/strategic level in business, the public sector or the voluntary sector

Detachment from local and national politics

#### **Desirable**

Transport knowledge (this could be knowledge of the transport issues pertinent to one or more sector e.g. business, healthcare, the environment, economic development etc)

Regional rather than local perspective

Political and media awareness

Financial awareness

Communication skills



**SCOTTISH EXECUTIVE**

---

ANNEX F

RTP Appointments  
[Address details]

Telephone:  
Fax:

Date:

## **APPOINTMENT OF OTHER MEMBERS TO THE (Name of Region) TRANSPORT PARTNERSHIP**

Thank you for your response to our advertisement inviting applications for the appointment of new other members to the (Name of Region) Transport Partnership. The following documents are enclosed:

1. advertisement;
2. checklist;
3. application form;
4. role specification and criteria;
5. membership guidance;
6. political activity declaration form;
7. public appointments monitoring form;
8. details of the guaranteed interview scheme for disabled candidates;
9. Factsheet – Public Appointments: Impact on benefits for disabled people.

Appointments are based on merit following a fair, open and transparent process with the Minister for Transport making the final decision about who to appoint in each case.

Your application will be handled as follows –

- Your application will be acknowledged within five working days of receipt.
- The regional transport partnership's sift panel will first assess your completed form against the advertised criteria for the post to see whether you have the necessary skills and knowledge specified for the appointment.
- The regional transport partnership will let you know whether or not you will be interviewed. Should you be invited to attend an interview, your expenses will be reimbursed.

- You will be asked questions to assess whether you can demonstrate that you have the specified qualities.
- All interviewees will be advised in writing of the outcome of the interview.
- If you are successful you will be invited in writing, by the Minister for Transport to accept the appointment.

The schedule below shows the key milestones during the appointments process.

<b><u>STAGE IN PROCESS</u></b>	<b>TIMESCALE (APPROXIMATE)</b>
Closing Date for applications	February 2006
<b>Sifting of applications and selection of candidates for interview</b>	February 2006
Interviews	March 2006
Date of appointment	1 April 2006

The Government is committed to a policy of equal opportunities in public appointments and is keen to ensure that individuals from all sections of society, and particularly those from under-represented groups, are encouraged to participate in public life. The enclosed public appointments monitoring form is used for monitoring purposes only. **This information will form no part of the selection process.**

Information on the composition of boards of public bodies is published on our website at [www.scotland.gov.uk/government/publicbodies](http://www.scotland.gov.uk/government/publicbodies). This information, and data on ethnic origin and disability, may also be used in response to Parliamentary Questions and other public enquiries or reports. **We guarantee not to publish these statistics in a way which would allow individuals to be identified.** In accordance with the requirements of the Data Protection Act 1998, a question seeking your consent to the publication of this information is included in the application form.

Other information being requested will be made public at the time of the news announcement should you be appointed. This applies particularly to any other public appointments you may hold, and of any significant political activity recently undertaken by you.

Please send, fax or email your completed Application Form, Public Appointments Monitoring Form and Political Activity declaration (and if appropriate the Guaranteed Interview Scheme declaration) to the following address **no later than (date)**:

**RTP Appointments**

**(email: [ ])  
(fax [ ]).**

Please ensure that you have signed the relevant documents. Forms returned electronically will require to be signed personally before any appointment can be made. All correspondence relating to your application will be treated in confidence.

The Executive encourages disabled people to contribute to public life. The effect of taking up a paid public appointment may however affect any disability benefits you receive from the Department for Work and Pensions. This will depend on your individual circumstances and you should therefore seek early advice from the office that pays your benefit. Please see the enclosed Factsheet for further information.

If you wish to make a complaint about any aspect of the public appointment process, you should contact in the first instance the relevant Department of the Scottish Executive who will investigate your complaint on your behalf.

If you are unhappy with the response, you may wish to contact the Commissioner for Public Appointments in Scotland. The Commissioner operates an independent complaints procedures dealing with potential breaches in the Code of Practice for Ministerial Appointments to Public Bodies. Contact details can be found on the enclosed leaflet.

If you have any general queries regarding this letter, please do not hesitate to contact me. For further information on **(Name of body)** duties and functions, see the **(body's website address)** or call **Contact Name and details**.

Yours sincerely

**(Insert Electronic Signature)**

**(PRINT NAME)**



SCOTTISH EXECUTIVE

## CHECKLIST

**POST: Member of the [ ] Transport Partnership**

**TO BE RETURNED TO: RTP Appointments**

**NO LATER THAN: [ ] February 2006**

**WHEN RETURNING YOUR APPLICATION FORM PLEASE ENSURE IT HAS THE CORRECT POSTAGE VALUE AS FAILURE TO DO SO MAY CAUSE ROYAL MAIL TO DELAY YOUR APPLICATION THUS CAUSING YOU TO MISS THE CLOSING DATE. LATE APPLICATIONS WILL NOT BE CONSIDERED.**

### HINTS FOR COMPLETING YOUR APPLICATION FORM

- ◆ **Candidates must complete their application form to match their skills and knowledge against the specified criteria.**
- ◆ **Remember to use specific examples which you think relate to the post to support how your knowledge and skills meet the criteria.**
- ◆ **Remember to structure your response in terms of the essential criteria.**

Before returning this application form you may find the checklist below to be of some assistance. Forms returned electronically will require to be signed personally before any appointment can be made.

Application form signed and dated	
Public Appointments Monitoring form signed and dated	
Political Activity Declaration form signed and dated	
Application form has the names, addresses and telephone numbers of two referees	
Ensure that any documents you have referred to are returned with the application form. <b>An application in the form of a CV is not acceptable.</b>	



SCOTTISH EXECUTIVE

**Please complete this form and return to:**

**COMPLETED APPLICATION  
TO BE RETURNED BY:  
[ ] FEBRUARY 2006**

**RTP Appointments  
[Address details]**

Please complete this form using BLOCK CAPITALS; ensure it is signed and dated and all enclosures are attached. You should fill in the form as completely and as clearly as possible. Please do not substitute your Curriculum Vitae for a completed form since this will not be considered. This is to enable us to consider applications on an equal basis.

**APPOINTMENT: MEMBER OF THE [ ] TRANSPORT PARTNERSHIP**

**NAME AND ADDRESS**

Surname		Title
Forenames		
Permanent Address		
Post Code	Telephone Number (including area code)	
Email address		
Professional Qualifications (if any)		
Occupation		
Address for correspondence (if different from above)		
Post Code	Telephone Number (including area code)	

## **SUITABILITY FOR APPOINTMENT**

Drawing on either your working life or personal life, please describe how your skills and knowledge meet the criteria set out below.

**Personal and/or operational expertise and demonstrable knowledge from working at board/strategic level in business, the public sector or the voluntary sector**

**Detachment from local and national politics**

**Transport knowledge (this could be knowledge of the transport issues pertinent to one or more sector e.g. business, healthcare, the environment, economic development etc)**

**Regional rather than local perspective**

**Political and media awareness**

**Financial awareness**

**Communication skills**

**PRESENT AND PREVIOUS PUBLIC APPOINTMENTS**

Do you hold or have you held an appointment in a public, voluntary or community organisation?

Yes  No

If 'Yes', please list below the organisations, length of time, positions held and any remuneration received. Please state the type of organisation in which you held the appointment, continuing on a separate sheet if necessary.

Name of Public Body	Period of Appointment From To		Position (e.g. Chair, Member)	Remuneration received for current posts

If you are currently holding, or have held, a public appointment we may take up a reference from the Chair.

**DECLARATION OF INTERESTS**

Are you aware of any possible conflict of interest which might arise, either personally, in relation to your employment or in relation to your connections with any individuals or organisations should you be appointed? Conflicts of interest are not normally a barrier to appointment as long as they are appropriately managed and/or resolved and this will be explored at interview.

e.g.:

- ◆ Perception of rewards for past contributions or favours;
- ◆ Relevant pecuniary or other interests outside the organisation;

Yes  No

If 'Yes' please give details

**ADVERTISING & PUBLICITY**

From which publication, or other source, did you learn of this vacancy?  
\_\_\_\_\_

If nominated, please state name of nominating body \_\_\_\_\_

**(A nominating body is an organisation which is invited to put forward suggested names for consideration. Nominees go through the same selection process as candidates applying through open advertisement.)**

**REFEREES**

Please provide details of two referees whom we can approach about your application for appointment if you are selected for interview.

Name	Name
Position	Position
Address	Address
Telephone No. (including area code)	Telephone No. (including area code)

**DECLARATION**

I declare that the information I have given in support of my application is, to the best of my knowledge and belief, true and complete. I understand that if it is subsequently discovered that any statement is false or misleading, or that I have withheld relevant information, my application may be disqualified.

Under the terms of the Data Protection Act 1998, I agree that the information given in the application and monitoring forms may be processed to provide management information for appointment and equal opportunities monitoring purposes.

Signature\_\_\_\_\_ Date\_\_\_\_\_

**Notes:**

If you are submitting this form electronically please leave the signature line blank.  
If you are shortlisted for interview you will be asked to sign the declaration before the interview takes place.  
The personal information provided by you will not be disclosed by the Scottish Executive to third parties. We may however publish statistical information relating to public appointments which will be based on information gathered from these forms but will not identify any individuals.

## POLITICAL ACTIVITY

**All** applicants for a public appointment should complete the question below. This question is asked as it enables the monitoring of political activity of candidates for a public appointment in so far as it is already in the public domain. Neither activity nor affiliation is a criterion for appointment (except where statute dictates specific representation).

If you are successful, the information provided will be published with the announcement of your appointment.

*Please indicate which of the following activities you have undertaken during the past 5 years by ticking the appropriate box and by providing details of your involvement. Name the party or body for which you have been active. If you have been or are an Independent or have sought or obtained office as a representative of a particular interest group, you should state this. You should tick all relevant categories.*

- a.  Obtained office as a local councillor, MSP, MP, MEP etc.  
 Stood as a candidate for one of the above offices  
 Spoken on behalf of a party or candidate
  
- b.  Acted as a political agent  
 Held office such as Chair, Treasurer or Secretary of a local branch of a party  
 Canvassed on behalf of a party or helped at elections  
 Undertaken any other political activity which you consider relevant
  
- c.  Made a recordable donation to a political party<sup>1</sup>
  
- d.  None of the above activities apply

**Name of Party for which activity undertaken**

---

**Details of involvement:**

---



---

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: This form is for monitoring purposes only and therefore will be detached from your application and will not be seen by any selection panels. However, it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision-making, resolving conflict and public speaking. If, therefore, you have had such experience and you consider it relevant to your application for this post, you should include it separately in the main body of your application form.

---

<sup>1</sup>The Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to publish a register of recordable donations (donations from any individual totalling more than £5,000 in any calendar year, or more than £1,000 if made to a subsidiary accounting unit such as a constituency association, local branch, women's or youth organisation). These provisions became effective from 16 February 2001.

**PUBLIC APPOINTMENTS MONITORING FORM**

From time to time we are asked to provide information, in summary form only, on age, gender, ethnic origin and disability in response to Parliamentary Questions and other public enquiries. The Data Protection Act 1998 requires that those providing the information must be informed and their consent given.

**AGE AND GENDER**

Male  Female  Date of Birth: \_\_\_\_\_

**ETHNIC ORIGIN & NATIONALITY**

Please indicate ethnic origin and nationality (either by ticking the relevant box, or in your own words):

**A White**

- Scottish
- English       Welsh       Irish
- Other White Background,  
Please specify \_\_\_\_\_

**B Mixed**

- Any Mixed Background,  
Please specify \_\_\_\_\_

**C Asian - Asian Scottish, Asian English, Asian Welsh or other Asian British**

- Indian       Pakistani       Bangladeshi       Chinese
- Other Asian Background  
Please specify \_\_\_\_\_

**D Black - Black Scottish, Black English, Black Welsh or other Black British**

- Caribbean
- African
- Other Black Background  
Please specify \_\_\_\_\_

**E Other Ethnic Background**

Other Background Please specify \_\_\_\_\_

**DISABILITY**

Are you disabled? Yes  No

Do you consent to the information you have provided above being made publicly available (in a summarised format)?

Yes  No

If you prefer not to answer any of the monitoring questions detailed on the previous page, please tick here

I confirm that I would like to be considered for the specified public appointment and that the information given on this form is complete and correct and may be processed accordingly.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

**Please Note:**

- The information on ethnic origin does not form part of the selection process (see accompanying letter).
- If you have indicated that you are disabled, please see the enclosed details of the guaranteed interview scheme for disabled candidates. .

## **GUARANTEED INTERVIEW SCHEME**

**The Scottish Executive is committed to Equal Opportunities and welcomes applications from disabled people.**

The Executive is committed to ensuring that disabled people are given every opportunity to make a contribution to the governance of Scotland by serving as a chair or non-executive member of the boards of public bodies. We guarantee an interview to anyone with a disability **whose application meets all the essential criteria for the post.**

The essential criteria are those detailed in the publicised Person Specification for the post in question. The decision on whether or not a candidate satisfies the essential criteria will be determined by the Advisory Panel for the post.

### **What do we mean by disability?**

To be eligible for the guaranteed interview scheme you must consider yourself to have a disability as defined by the Disability Discrimination Act 1995 or consider that you have a disability that affects the work you can do (but which does not fall within the definition contained in the Act).

### **How do I apply?**

Complete the declaration below and return it along with your completed application. Please also provide details of any assistance required at interview.

**DECLARATION**

**I would like to apply under the guaranteed interview scheme as:**

I have a disability within the meaning of the Disability Discrimination Act 1995

  


I have a disability/health problem that affects the work I can do

  


**Please give details**

---



---

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**ASSISTANCE FOR INTERVIEW**

To ensure we do not create any barriers in our selection process and to help us implement our equal opportunities policy effectively, please let us know if you would like us to provide any particular assistance for your interview, such as:

	Please Tick
Induction loop	
Sign language interpreter Type:	
Keyboard for written tests	
Someone with you at the interview, e.g. speech facilitator	
Car parking	
Assistance in and out of a vehicle	
Wheelchair access	
Accessible toilet facilities	
Other assistance (please specify)	

If you have any questions about your specific needs at the interview or would like to give us more information, please contact **[please insert sponsor team contact details here]**.

## **Public Appointments: Impact on benefits for disabled people**

- Incapacity benefit
- Income Support
- Working Tax Credit
- Housing Benefit
- Council Tax Benefit
- Disability Living Allowance

The Government is committed to improving the diversity of the boards of public bodies and to increasing the participation of disabled people.

Many public appointments are now remunerated. This has an effect on entitlement to benefits. The actual impact depends on individual circumstances, the type of benefit and type of appointment.

**It is important that applicants in receipt of benefits seek advice from the Department that pays the benefit.**

### **Earning limits**

There is an upper limit on the amount that can be earned while receiving income replacement benefits (such as Incapacity Benefit, Income Support and Job Seekers Allowance). These are linked to other benefits (such as Housing Benefit and Council Tax Benefit). Payments of both income related and any linked benefit may be reduced or cease if remuneration from a public appointment is over the permitted limits.

### **Hours**

There is also a limit on the number of hours that can be spent on a remunerated appointment whilst receiving certain benefits. Where a public appointment involves work averaging more than sixteen hours a week over an extended period entitlement to Incapacity Benefit ceases. However appointees may become eligible for working Tax Credit.

### **Mobility allowances**

Disability Living Allowance is assessed on the basis of care or mobility needs arising from a person's illness or disability. It is paid irrespective of whether that person is working and earning or not. Anybody whose care or mobility needs have increased or decreased must advise the Disability Benefit Unit which may reassess and adjust the allowance.

### **Expenses**

The reimbursement of reasonable expenses does not affect payments of benefits, provided these are wholly, exclusively and necessarily incurred in fulfilling public duties.

## **Further information**

More information about benefit conditions is available from these sources:

**Incapacity Benefit:** website link

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/WorkingAgeBenefits/492>

This site includes information about the hours and earnings allowed under the "Permitted Work Rules".

**Income Support:** website link

<http://www.jobcentreplus.gov.uk/cms.asp?Page=/Home/Customers/WorkingAgeBenefits/493>

This site includes information about "Linking Rules" (these apply if you leave benefit for work but are unable to continue because of ill health or disability) and "Voluntary Work".

**Working Tax Credit:** website link

<https://www.taxcredits.inlandrevenue.gov.uk/HomeIR.aspx>

This site explains what tax credits are and how to claim them if you have been receiving an incapacity benefit.

**Housing Benefit:** website link

[http://www.dwp.gov.uk/lifeevent/benefits/housing\\_benefit.asp](http://www.dwp.gov.uk/lifeevent/benefits/housing_benefit.asp)

**Council Tax Benefit:** website link

[http://www.dwp.gov.uk/lifeevent/benefits/council\\_tax\\_benefit.asp](http://www.dwp.gov.uk/lifeevent/benefits/council_tax_benefit.asp)

**Disability Living Allowance:** website link

[http://www.dwp.gov.uk/lifeevent/benefits/disability\\_liv\\_allowance.asp](http://www.dwp.gov.uk/lifeevent/benefits/disability_liv_allowance.asp)

**This information has been agreed with Department for Work and Pensions.**

© Crown copyright 2005

This document is also available on the Scottish Executive website:  
[www.scotland.gov.uk](http://www.scotland.gov.uk)

Astron B44408 12/05

Further copies are available from  
Blackwell's Bookshop  
53 South Bridge  
Edinburgh  
EH1 1YS

Telephone orders and enquiries  
0131 622 8283 or 0131 622 8258

Fax orders  
0131 557 8149

Email orders  
[business.edinburgh@blackwell.co.uk](mailto:business.edinburgh@blackwell.co.uk)

ISBN 0-7559-2846-6



9 780755 928460