
Secretariat memorandum

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Agenda item: 11

LTW461

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Memorandum of understanding

1 Purpose of report

- 1.1. To update members on the current position in respect of the memorandum of understanding (MoU) between London TravelWatch and the London Assembly.

2 Recommendation

- 2.1. That members note the report.

3 Information

- 3.1. The previously in place MoU between London TravelWatch and the London Assembly was suspended in July 2011 by the London Assembly Transport Committee. Following the appointment of the new Board in 2013, it was agreed that the previous MoU should be updated and reinstated. Discussions on amendments to the MoU have subsequently taken place and a revised version produced.
- 3.2. The revised version of the MoU is due to be considered by the London Assembly Transport Committee of the London Assembly on 9 January. It is recommended for approval.
- 3.3. The covering report to the London Assembly Transport Committee and the revised MoU are attached as appendices to this report.

4 Equalities and inclusion implications

- 4.1. None – report is for information only.

5 Financial implications

- 5.1. None – report is for information only.

6 Legal powers

- 6.1. The MoU is an aid to good working relations between the Assembly and London TravelWatch. It cannot override any statutory duties or obligations of the Assembly or London TravelWatch.

Subject: London TravelWatch – Memorandum of Understanding

Report to: Transport Committee

Report of: Executive Director of Secretariat

Date: 9 January 2014

This report will be considered in public

1. Summary

- 1.1 This report sets out for the Committee's approval a revised Memorandum of Understanding with London TravelWatch, the operating name of the London Transport Users' Committee.

2. Recommendation

- 2.1 **That the revised Memorandum of Understanding with London TravelWatch be approved.**

3. Background

- 3.1 The Transport Committee and London TravelWatch have previously agreed a Memorandum of Understanding to establish a clear and transparent basis upon which the Transport Committee, the Greater London Authority and London TravelWatch will work and interact with each other. The Memorandum of Understanding needs to be agreed between the Transport Committee (acting on behalf of the London Assembly) and the London TravelWatch Board.
- 3.2 The Memorandum of Understanding with London TravelWatch may be amended from time to time by the Chair of the Transport Committee (in consultation with the Deputy Chair and the Group Leads) and the Chair of the London TravelWatch Board (in consultation with the London TravelWatch Chief Executive and the Board) agreeing to the proposed amendments.
- 3.3 The Memorandum of Understanding is reviewed from time to time in order to ensure its relevance and effectiveness. Following the suspension of the Memorandum of Understanding in July 2011 and the ensuing deliberations, the Chair and Deputy Chair of the Committee agreed to defer the review and revision of the document pending the appointment of the new London TravelWatch Board. The new Board members were all in place early in 2013 and discussions commenced once those members had familiarised themselves with the issues. The attached document is the product of the exchanges that have taken place over recent months.

4. Issues for Consideration

- 4.1 The draft Memorandum of Understanding, attached at **Appendix 1**, has been revised in consultation with the Chair and Deputy Chair of the Committee and the Board of London TravelWatch.

5. Legal Implications

- 5.1 The Committee has the power to do what is recommended in this report.

6. Financial Implications

- 6.1 There are no financial implications arising from this report.

List of appendices to this report:

Appendix 1: Revised Draft Memorandum of Understanding with London TravelWatch

Local Government (Access to Information) Act 1985
List of Background Papers: London TravelWatch - Protocol for accounts and financial procedures London TravelWatch - Protocol for Board appointments London TravelWatch - Protocol for recruitment and employment of staff of London TravelWatch
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Memorandum of Understanding between The Greater London Authority and London TravelWatch¹

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APPENDICES

- A. Budget process and business plan
- B. Performance management and reporting

¹ London TravelWatch is the operating name of the London Transport Users Committee

1. Introduction

- 1.1 This Memorandum of Understanding has been agreed between the London Assembly's Transport Committee (acting on behalf of the London Assembly) and the London TravelWatch Board, and may be amended from time to time in accordance with paragraph 8.1 below. It cannot override any of the requirements of the GLA Act or any other relevant legislation.
- 1.2 The aim of this Memorandum is to establish a clear and transparent basis upon which Transport Committee, the Greater London Authority and London TravelWatch will work and interact with each other.
- 1.3 To this end, the Transport Committee and London TravelWatch will:
 - Maintain an open and constructive working relationship which recognises that London TravelWatch is independent from all transport operators and providers, and needs to work within the strategic framework that the Transport Committee sets; and
 - Adopt a "no surprises" policy based on telling each other well in advance, where possible, of significant announcements and developments that have a bearing on their common interest.

2. Support and assistance from the GLA

- 2.1 Where there is no conflict of interest, after consideration by the GLA Executive Director of Secretariat, who may take legal advice, the Secretariat, Finance and Human Resources & Organisational Development departments of the core GLA may on request provide assistance to London TravelWatch.

3. Liaison and co-ordination

- 3.1 Generally, but not exclusively, the protocol shall be for communication to be conducted between the Chairs (or their designated representatives) or between the officers of the two bodies. Nothing shall be regarded as the formal position of either body unless it is ratified as necessary and confirmed in writing.
- 3.2 The Chairs of both the Transport Committee and the London TravelWatch Board will meet on a regular basis to discuss the progress of their respective work programmes and other matters of common interest.
- 3.3 In searching for the maximum benefit, officers will consult annually in February / March (or in June/July in the years of ordinary elections to the Assembly) on the provisional work programmes for the following year in order to identify opportunities for—
 - joint or complementary working
 - inputs to projects being undertaken by the other body, and
 - information sharing opportunities or other measures to eliminate duplication.

- 3.4 Systematic joint working between the officers of both bodies will monitor progress and developments, and identify further opportunities for London TravelWatch to contribute to the Transport Committee's work programme. The London TravelWatch work programme will be sent to the Chair of Transport Committee within 10 working days of its approval. London TravelWatch will produce updates on its work programmes as part of its six-monthly reports to the Transport Committee.

Urgency

- 3.5 Where anything in this Memorandum of Understanding requires the consideration, agreement or approval of the Transport Committee, or involves an urgent response to a major incident, but the matter is of such urgency that it cannot wait for a meeting of that Committee, the Chair of London TravelWatch Board will refer the matter to the Chair of the Committee in writing, copied to the Chief Executive of London TravelWatch and the GLA's Executive Director of Secretariat, giving a short explanation of the decision required and why it is urgent.

4. London TravelWatch Board appointments

The establishment of London TravelWatch Board

- 4.1 Transport Committee will determine how many members (not more than 24 and currently 6 plus a Chair) will comprise the London TravelWatch Board².
- 4.2 Transport Committee will not change the membership size of the London TravelWatch Board without first having consulted with the Chair of the London TravelWatch Board.
- 4.3 Procedures for the recruitment and appointment of the Chair and other members of the London TravelWatch Board will be set by the Transport Committee and, before any change is proposed, there will be prior consultation with the Chair of the London TravelWatch Board and its Chief Executive.
- 4.4 To ensure continuity the appointment of new members will normally be phased so that the terms of office of no more than half of the membership of the Board will finish at the same time
- 4.5 In the event that this normal phasing of appointments is broken the Transport Committee will consult with the Chair of the London TravelWatch Board to agree what action should be taken to recover the situation during the following three years.
- 4.6 Where vacancies occur the Transport Committee will take steps to make a replacement appointment as quickly as possible.

² The GLA Act 1999 s 247(2)

5. Operation of the London TravelWatch Board and interaction with the GLA

London TravelWatch Board meetings

- 5.1 The London TravelWatch Board should operate as a strategic body and will programme meetings throughout the year, giving directions and guidance to the permanent Secretariat of London TravelWatch, which will then carry out the Board's decisions.

Sharing information

- 5.2 In addition to the statutory requirements for the notification of decisions and provided that it would not be unlawful or in breach of commercial confidentiality to do so, -
- a) London TravelWatch will share any information that it holds (except that which was given to it in confidence) with Transport Committee where it is prudent to do so, or on request from Transport Committee; and
 - b) Transport Committee (or its Secretariat, if more appropriate) shall, on request from London TravelWatch, make available any information that it has that would assist London TravelWatch in its work.

Guidance and directions

- 5.3 If the Transport Committee resolves to issue to London TravelWatch any guidance or directions as to the manner in which it is to exercise its functions³, this must be issued in writing and sent to the Chair of London TravelWatch and copied to its Chief Executive.⁴
- 5.4 Ordinarily, Transport Committee will not issue any such guidance or directions without first having consulted with the Chair of the London TravelWatch Board and the Chief Executive of London TravelWatch, and having had regard to any representations made by them either in writing or made orally at a Transport Committee meeting.

6. Staffing of London TravelWatch

The staffing establishment of London TravelWatch

- 6.1 Transport Committee must approve the overall staffing cost of London TravelWatch's secretariat and be informed of the staffing establishment and structure, both of which shall routinely be reported as part of the annual submission of the draft budget and business plan.
- 6.2 Procedures for the recruitment, appointment and employment of staff of London TravelWatch will be set by the London TravelWatch Board in accordance with the protocol attached to this agreement.

³ The GLA Act 1999 s 251(1)

⁴ The GLA Act 1999 s 251(3)

Staff restructures

- 6.3 If a staff restructure is proposed that is not within budget, the London TravelWatch Board shall formally notify Transport Committee in writing of its proposals. Transport Committee will then notify the Board as to how it should apply for approval to proceed with the proposed restructuring.
- 6.4 The Transport Committee will determine whether or not to authorise any London TravelWatch staff restructuring that is not within the budget, and London TravelWatch will be bound by Transport Committee's decision.

7. Finance and performance

Members' and staff salaries and expenses

- 7.1 Transport Committee shall provide London TravelWatch with the funds with which to pay a) its Members such travelling and other allowances as Transport Committee may determine⁵, and b) its officers such remuneration and such travelling and other allowances as the London TravelWatch Board may determine.⁶ Transport Committee's determinations will be made in accordance with the Mayor's budget guidance.

Budget process and Business Plan

- 7.2 The annual procedure for the submission of a draft budget and accompanying business plan is set out in Appendix A and may be varied from time to time by the Transport Committee following formal consultation with the London TravelWatch Board (made via the Chair of the London TravelWatch Board).

Virements

- 7.3 After consultation as appropriate with London TravelWatch Board, the Chief Executive of London TravelWatch may approve London TravelWatch budget virements of up to £100,000. Any such virements will be recorded in the quarterly reports and outturn projections to the GLA's Executive Director of Resources that may be required under the provisions of paragraph 7.6 below, and in the periodic performance reports to Transport Committee.
- 7.4 Any London TravelWatch budget virements in excess of £100,000 need approval by the Chair of Transport Committee (in consultation with the Deputy Chair and the Group Leads), following a written request by the Chief Executive of London TravelWatch to the GLA Liaison Officer and the Chair of Transport Committee.

⁵ The GLA Act 1999 Schedule 18 paragraph 6 (1)(a)

⁶ The GLA Act 1999 Schedule 18 paragraph (6)(1)(b)

Accounts

- 7.5 The Chief Executive of London TravelWatch (as accounting officer) must ensure that accounting records are kept, which set out and explain London TravelWatch's financial transactions, disclose with reasonable accuracy the financial status of London TravelWatch at any time, and enable London TravelWatch to prepare a statement of accounts.⁷
- 7.6 The accounting and financial procedures are set out in the attached protocol and may be varied from time to time by the Transport Committee following formal consultation with the London TravelWatch Board (made via the Chair of the London TravelWatch Board).

Complaints from members of the public

- 7.7 Where a member of the public makes a complaint (oral or written) about the conduct or behaviour of a member (other than the Chair) of the London TravelWatch Board, the complaint shall be logged (and recorded in writing if made orally), and will be referred to the Chair of the Board who will determine how the matter should be taken forward. Once the matter is concluded, the Chair of the Board shall inform the Chair of the Transport Committee in writing of the complaint and any action taken, with copies to the Chief Executive of London TravelWatch and the GLA's Liaison Officer.
- 7.8 In the event of a substantive complaint about the Chair of the London TravelWatch Board, an independent person will be appointed at the time with the agreement of the Deputy Chair of the Board and the Chair of the Transport Committee to investigate and report to the Chair of the Transport Committee and Deputy Chair of the Board.
- 7.9 All other complaints, including complaints about officers or London TravelWatch service provision, will be dealt with in accordance with London TravelWatch's complaints procedures and /or its relevant employment procedures. Once those procedures are exhausted, and if a complainant remains dissatisfied, they should be referred to the GLA's Liaison Officer.
- 7.10 In this section "complaints" do not include those that London TravelWatch receives from members of the public concerning the services or actions of any transport providers which are subject to London TravelWatch's remit, but do include those about London TravelWatch's handling of such complaints.

Annual report

- 7.11 The London TravelWatch Board must make an annual report to Transport Committee and the Secretary of State⁸.
- 7.12 London TravelWatch will log, and in its annual report will record, all complaints (referred to in paragraphs 7.7 – 7.10 above) received under, and dealt with in accordance with, its complaints procedures.

Performance Management and Reporting

- 7.13 London TravelWatch will comply with the requirements for performance management and periodic reporting as set out in Appendix B.

⁷ The GLA Act 1999 Schedule 18 paragraph 8(1)

⁸ The GLA Act 1999 s 250 (2)

8. Amending this memorandum

- 8.1 This Memorandum may be amended from time to time by the Chair of Transport Committee (in consultation with the Deputy Chair and the Group Leads) and the Chair of the London TravelWatch Board (in consultation with the London TravelWatch Chief Executive and the Board) agreeing to the proposed amendments.

Approved by:

..... **Date**

And

..... **Date**

For the London Assembly

..... **Date**

And

..... **Date**

For London TravelWatch

Budget process and Business Plan

- A.1 Within two weeks of receipt of the Mayor's budget guidance, the Transport Committee will issue budget guidance to London TravelWatch. This will set out the proposed cash limited budget for the next financial year and may set out indicative cash limited budgets for the following two years. London TravelWatch will then prepare a budget submission based on these cash limited budgets having regard to the requirements set out in the budget guidance.
- A.2 During the preparation of the draft budget submission, the London TravelWatch Chief Executive will confer (in confidence if required) with the designated lead officer in GLA Resources Directorate to ensure that the submission is based on a full understanding of the Mayor's budget guidance and GLA procedures generally.
- A.3 The London TravelWatch Board must produce an annual Business Plan for the following year that must be sent for consideration to Transport Committee at the same time as the proposed budget. The Business Plan will
- a. be based on the broad objectives set for London TravelWatch by the Transport Committee,
 - b. include an organogram showing the existing staffing structure and establishment, and
 - c. set out how London TravelWatch will seek opportunities for joint working with the Transport Committee, and the contributions that London TravelWatch can make to the Transport Committee's work programme for the following year.
- A.4 The London TravelWatch Board will (with the advice of the London TravelWatch Chief Executive) submit a draft budget proposal to Transport Committee (to be sent to the GLA Liaison Officer and copied to the Committee Officer for Transport Committee who will arrange for it to be sent to the Chair, Deputy Chair and Group Leads of Transport Committee) in line with the timetable set out in the budget guidance.
- A.5 On receipt of the London TravelWatch Board's draft budget submission, and before the London TravelWatch Board submits its final budget submission (in accordance with paragraph A.6 below), the GLA Liaison Officer, and Chair, Deputy Chair and Group Leads of Transport Committee will, if appropriate, meet the Chair and Deputy Chair of the Board and the Chief Executive of London TravelWatch to discuss the Board's draft budget submission.
- A.6 Further to the meeting referred to in paragraph A.5 above, the London TravelWatch Board, with the approval of the London TravelWatch Chief Executive as Accounting Officer, will, in line with the deadlines set out in the Mayor' budget guidance, present a final budget submission to Transport Committee.
- A.7 Transport Committee will formally consider London TravelWatch's proposed budget and business plan and will recommend the budget to the Mayor, with or without any amendments that it considers appropriate, for inclusion in the Assembly's budget submission, in line with the deadlines set by the Mayor.

Appendix B

Performance management framework

- B.1 This Memorandum of Understanding is based on the principle that the Transport Committee should be informed of how London TravelWatch spends the grant that it receives from the London Assembly
- B.2 London TravelWatch's Board should set strategic objectives and performance targets for its activities and maintain appropriate internal mechanisms to monitor progress towards achieving these objectives.
- B.3 Twice a year London TravelWatch should produce a more strategic report for the Transport Committee demonstrating how it has met its key business plan objectives and the outcomes it has achieved for transport users as a result of its work.
- B.4 The performance reports should also summarise the volume and type of casework activity handled by London TravelWatch during the period and include a short overview setting out the main issues raised by the public.
- B.5 The performance reports should include management accounts for the preceding six or twelve months as appropriate.
- B.6 The end of year performance report should also include corporate health information as set out in the following table. The targets set will normally be the same as those adopted by the GLA for its own staff.

PI no.	Indicator	Target	Frequency to report
1	The number of working days / shifts lost to sickness absence per staff member	6	Annual
2	% of employees that are women	52%	Annual
3	% of employees from ethnic minority backgrounds	29%	Annual
4	% of employees declaring that they meet the Disability Discrimination Act 1995 definition and / or have declared themselves disabled	13%	Annual