

Name of meeting: Cabinet

Date: 17th October 2017

Title of report: To approve regulations establishing Transport for the North as a Sub-National Transport Body.

Purpose of report

The purpose of this report is for members to consent to the inclusion of highway powers in the making of Regulations by the Secretary of State to establish Transport for the North as a Sub-National Transport Body under section 102E and 102J of the Local Transport Act 2008.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	N/A
The Decision - Is it eligible for "call in" by Scrutiny?	No – The Chair of Scrutiny has withdrawn the right for call-in on this report.
Date signed off by Director & name Is it also signed off by the Service Director for Finance, IT and Transactional Services? Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes/ No financial implications If yes give date Yes/ No legal implications If yes give date
Cabinet member portfolio	Cllr Peter McBride

Electoral wards affected: All
Ward councillors consulted: N/A

Public or private: Public with a private appendix

1. Summary

- 1.1 Members are requested to consent to the inclusion of highway powers in the making of regulations by the Secretary of State to establish Transport for the North as a Sub-National Transport Body under section 102J of the Local Transport Act 2008. The consent of each Constituent Authority is required to the making of Regulations by the Secretary of State.
- 1.2 Members are asked to note the transfer of Rail North Limited to TfN following its inauguration and the signing of a new Rail Franchise Management Agreement with TfN replicating as far as possible the arrangements entered into in respect of Rail North Limited.

2. Information required to take a decision

Consent to the Regulations

- 2.1 Each of the Highway Authorities within the areas of the Combined Authorities which are Constituent Authorities must consent to the making of the Regulations. The Secretary of State has sent a letter to each of the Highway Authorities requesting formal consent to the making of the Regulations. The letter requests a response before by 20th October 2017
- 2.2 A copy of the letter to Kirklees as highway authority requesting the consent is attached at Appendix 3. The deadline for consent is the 20th October, to allow sufficient parliamentary time for the regulations to be approved by the end of the year.
- 2.3 The regulations are still in draft format and may be subject to change. It is not anticipated that the principles relating to highway functions will change greatly. It is clear that the exercise of the functions will require to be made in conjunction with the relevant Highway authorities and that appropriate protocols will need to be developed to do this. On that basis it would be appropriate to consent as set out in the recommendation below with the knowledge that further work will be needed to develop the way of doing this.
- 2.4 Attached at Appendix 1 is a report prepared by Transport for the North which explains the development of the proposals for TfN together with details of its proposed operation. Attached as an exempt document is Appendix 2 which contains the draft regulations which all Constituent Authorities and Highway authorities are asked to approve. Appendix 2 is exempt from disclosure. The Department of Transport has requested that the draft regulations remain confidential at this stage as they may be subject to amendment during the parliamentary process.
- 2.5 The Department of Transport have now agreed that Kirklees's consent is needed to the regulations, given that the concurrent highways/footpath functions are district functions, not functions of the Combined Authority.
- 2.6 It is anticipated that WYCA as a constituent authority will consent to the regulations at its meeting on 5 October.
- 2.7 The Department of Transport have it as a priority to establish TfN as a statutory body, and, subject to the consents, have indicated that TfN can be established as a Sub-national Transport Body to commence operations in April 2018. (They anticipate that the Statutory Instrument establishing TfN as a statutory body will be able to complete the full parliamentary process by the end of the year). TfN are working towards the inaugural meeting of TfN as a Sub-national Transport Body in April 2018.
- 2.8 As far as this Council's highway functions are concerned TfN may not exercise any highway function mentioned in regulation 11 in relation to the area of a local authority unless the manner in which it proposes to exercise the function has been approved by the local authority.
- 2.9 West Yorkshire Combined Authority as a constituent authority will appoint one of its elected members to be a voting member of TfN.

- 2.10 TfN will establish a Rail North Committee which will advise on TfN's Statutory Partner role in relation to rail investment and will have oversight of the management of the TransPennine Express and Northern Rail Franchises. This will replace the Association of Rail North Authorities and will include representatives of the six non-TfN Rail North Authorities as co-opted Members. Voting in the Rail North Committee will be on the basis of weighted votes which replicate the voting provisions of Rail North Limited.
- 2.11 TfN will also establish a Rail North Sub-Committee that will be appointed according to provisions which replicate the provisions for appointing the Rail North Limited Board.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

N/A

3.2 Economic Resilience (ER)

N/A

3.3 Improving Outcomes for Children

N/A

3.4 Reducing demand of services

N/A

3.5 Legal and Financial Implications

The legal and financial implications are set out in the attached report.

4. Consultees and their opinions

N/A

5. Next steps

Once consent is provided by the 19 constituent authorities TfN will continue to work closely with the Department for Transport to ensure TfN are provided with the statutory powers necessary to carry out the functions. TfN will keep the authorities updated as to the progress and once the regulations are finalised and enacted.

6. Officer recommendations and reasons

Members are asked to: -

- a. provide consent under section 102J of the Local Transport Act 2008 to the making by Secretary of State of Regulations to establish Transport for the North as a Sub-National Transport Body and giving Transport for the North concurrent highway powers.
- b. note the transfer of Rail North Limited to TfN following its inauguration

- c. note the signing of a new Rail Franchise Management Agreement with TfN replicating as far as possible the arrangements entered into in respect of Rail North Limited.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer

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9. Background Papers and History of Decisions

None

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance and Commissioning
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