

Report of the Strategic Director Place to the meeting of the Executive on 10th October 2017

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Subject:

To approve regulations establishing Transport for the North as a Sub –National Transport Body

Summary statement:

- 1.1 The purpose of this report is for Members to consent to the making of Regulations by the Secretary of State to establish Transport for the North as a Sub–National Transport Body under section 102E of the Local Transport Act 2008. The consent of each Constituent Authority and Highway Authority is required to the making of Regulations by the Secretary of State as the Regulations include highway powers to be exercised by TfN.
- 1.2 Although the Council is not a member, the Executive is also 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.

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Improvement Area: Environment & Waste
Management

1. Summary

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2. Background

- 2.1 Attached as Appendix 1 is a template 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 Appendix 2 are the draft regulations which all Constituent Authorities and Highway Authorities are asked to approve. Appendix 2 is Not for Publication and is exempt from disclosure in accordance with paragraph 3 of Schedule 12a (financial or business affairs) of the Local Government Act 1972. It is considered that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Department of Transport has requested that the Regulations be not published as they may be subject to amendment during the Parliamentary process.
- 2.2 The Department of Transport has now agreed that Bradford's consent is needed to the regulations, given that the concurrent highways/footpath functions are district functions, not functions of the Combined Authority.
- 2.3 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.
- 2.4 It is anticipated that WYCA as a constituent authority will consent to the regulations at its meeting on 5 October.
- 2.5 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).
- 2.6 TfN is working towards the inaugural meeting of TfN as a Sub-national Transport Body in April 2018.
- 2.7 As far as this Council's highway functions are concerned TfN may not exercise any 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.

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- 2.8 West Yorkshire Combined Authority as a constituent authority will appoint one of its elected members to be a voting member of TfN.
- 2.9 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.
- 2.10 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. Financial and Resource Appraisal

- 3.1 None arising from this report

4. Legal Appraisal

- 4.1 Any legal implications are reflected in this report and the Appendices.

5. Other Implications

- 5.1 There are no equal rights, sustainability, Trade Union, community safety and Human Rights Act implications of this report.

6. Not for Publication Documents

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7. Recommendations

- 7.1 To consent to the making of Regulations by the Secretary of State to establish Transport for the North as a Sub-National Transport Body under section 102E of the Local Transport Act 2008. The consent of each Constituent Authority and Highway Authority is required to the making of Regulations by the Secretary of State as the Regulations include highway powers to be exercised by TfN.
- 7.2 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.

8. Appendices

Appendix 1 Template TfN Report

Appendix 2 Exempt Proposed Regulations

9. Background Papers

None

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