

Meeting of the Full Council
Meeting to be held on Thursday, 14 December 2017

Report submitted by: Head of Service, Planning and Environment

Part A

Electoral Division affected:
(All Divisions);

Transport for the North: Establishment of Statutory Sub-national Transport Body

(Appendix 'A' refers)

Contact for further information:

Dave Colbert, Tel: (01772) 534501, Specialist Advisor - Transport Planning

dave.colbert@lancashire.gov.uk

Executive Summary

In July 2017, the County Council agreed 'in principle' support to the making by the Secretary of State of Transport of Regulations under Section 102E of the Local Transport Act 2008 to establish Transport for the North (TfN) as a Sub-national Transport Body. This agreement 'in principle' would be contingent on TfN exercising certain transport powers and functions it would hold concurrently with Lancashire County Council only with the support of the County Council.

The Parliamentary Under Secretary of State for Transport has now informed the County Council that the Department for Transport had placed secondary legislation in Parliament to establish TfN as a statutory Sub-national Transport Body. If Parliament approves the legislation, TfN will become a statutory body on 1 April 2018. The County Council's consent is now required to join TfN and to nominate its representative and substitute member for appointment to the TfN Members' Board. It is considered that sufficient safeguards are in place within the Regulations and TfN's draft constitution to mitigate the Council's earlier concerns with regard to the exercising by TfN of powers and functions held concurrently with local transport and highway authorities.

Recommendation

Full Council is requested to:

- (i) Give formal approval to Lancashire County Council joining Transport for the North as the North's statutory Sub-national Transport Body.
- (ii) Nominate the Leader of the County Council as Lancashire County Council's representative on Transport for the North.

(iii) Nominate the Cabinet Member for Economic Development, Environment and Planning as substitute member.

Background and Advice

In July 2017, Full Council considered a report outlining progress towards the establishment of Transport for the North (TfN) as a statutory sub-national transport body. The report advised that the Secretary of State would require the consent of each constituent authority to the making of Regulations under Section 102E of the Local Transport Act 2008: Sub-national Transport Body (Transport for the North) Regulations 2017. Council resolved that, subject to there being no material changes to the draft Regulations as shared with TfN's constituent authorities on 15 June 2017, the County Council agree 'in principle' support for the making of those Regulations. Agreement 'in principle' would be contingent on TfN exercising certain transport powers and functions it would hold concurrently with Lancashire County Council only with the support of the County Council.

On 16 November 2017, the Parliamentary Under Secretary of State for Transport informed TfN's Partnership Board members, including the County Council, that the Department for Transport had placed secondary legislation in Parliament to establish TfN as England's first statutory Sub-national Transport Body. The Draft Statutory Instrument is attached as Appendix 'A'. If approved by Parliament, the legislation will become law by the end of this year or shortly afterwards, with TfN becoming a statutory body on 1 April 2018.

The general functions of TfN remain largely unchanged between the draft Statutory Instrument shared with the County Council in June and reported to Members in July and the Statutory Instrument now placed before Parliament. These include powers to make capital grants as specified in Section 56(2) of the Transport Act 1968, ticketing schemes under the provisions of the Transport Act 2000 and franchise agreements under Section 13 of the Railways Act 2005. They are all exercisable concurrently with constituent authorities. TfN's latest draft constitution confirms that before exercising any such functions, TfN will consult any local transport authority whose area is affected by a proposal over the exercise of such functions. Where the nature and extent of the proposal make it appropriate, TfN will enter into a protocol to govern the exercise of its functions in relation to that proposal.

The Statutory Instrument placed before Parliament now includes a number of functions under the Highways Act 1980 that will be exercisable by TfN jointly with the Secretary of State for Transport and concurrently with local authorities. The Regulations therein are nevertheless explicit in requiring TfN to secure the approval of the County Council when exercising any such functions held concurrently, including construction of a new highway. This requirement is also included in TfN's draft constitution.

Subsequent to the placing of the Statutory Instrument before Parliament, Transport for the North has written to the County Council requesting the Council nominate its representative for appointment to the TfN Members' Board. In accordance with the Regulations, the person must be:

- a) In the case of a constituent authority that has an elected mayor, the mayor or the elected member with responsibility for transport, or
- b) In any other case, the leader of the constituent authority, the Chair or the elected member with responsibility for transport.

Each constituent authority is also to appoint another of its elected members to act as a substitute member.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Should the County Council not join Transport for the North, it is likely that the Council would have very little influence over future sub-national transport planning, including priorities for Government investment in the rail network and Strategic Road Network in the North.

Financial

The Regulations allow for constituent authorities to make a contribution in respect of any reasonable costs of TfN, but only if they all agree on the need for a contribution and the amount required.

The amount of any contribution would be apportioned between the constituent authorities in proportion to the total resident population of the area of each authority at the relevant date as estimated by the Statistics Board or on such other basis as may be agreed by all the constituent authorities.

A constituent authority may contribute to the costs of TfN individually if it chooses to do so.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
Report to Full Council: Sub-national Transport Body (Transport for the North) Regulations 2017	20 July 2017	Dave Colbert (01772) 534501

Reason for inclusion in Part II, if appropriate

N/A