

Report to:	Cabinet	Date of Meeting:	2 November 2017
Subject:	Transport For The North – Draft Regulations		
Report of:	Head of Locality Services - Commissioned	Wards Affected:	(All Wards);
Portfolio:	Cabinet Member - Locality Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

This report seeks consent to the making of regulations by the Secretary of State to facilitate the establishment of Transport for the North (TfN) as a Sub-national Transport Body.

TfN has been advised by the Department for Transport that the consent of all constituent Councils is required in order to process the order.

Recommendation(s):

That the Cabinet be requested to:

1. note that 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 102J of the Local Transport Act 2008 is required by Government.
2. agree that the required consent of the Cabinet be provided to Government
3. note that any subsequent revisions to requirements regarding this consent will be the subject of a further report to Cabinet.

Reasons for the Recommendation(s):

Failure to support the recommendation could prevent Transport for the North from becoming a Sub-national Transport Body, contrary to the consent provided by the Liverpool City Region Combined Authority.

Consent to the making of regulations by the Secretary of State is an important mechanism to support Transport for the North's ambition to transform the transport system across the North of England, providing the infrastructure needed to drive economic growth.

Alternative Options Considered and Rejected: (including any Risk Implications)

The recommendation set out in this report presents little risk to the Council. The draft regulations, when taken together, provide that Transport for the North will not be able to exercise any of the highway powers which they hold concurrently with the Council as Highway Authority. This is unless the manner in which it proposes to exercise the function has been approved by the Council, if the highway in question passes through the borough.

Furthermore there is no intention that TfN will itself become a Highway Authority and the draft regulations make it clear that before any highway powers may be exercised Transport for the North will need to obtain the express consent of the Council as Highway Authority to the manner in which the powers would be exercised. These powers would therefore only be exercised in circumstances where all the local Highway Authorities consider that there would be a benefit in Transport for the North carrying out any work.

It is also anticipated that before Transport for the North exercises any transport powers or functions it holds concurrently with any of the constituent authorities and highway authorities, they will enter into a written Protocol covering the way in which the functions will be exercised.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial implications arising from this report.

(B) Capital Costs

There are no financial implications arising from this report.

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets):</p> <p>There are no human resource or information technology implications arising from this report. At this time there are no direct implications for the Council’s physical assets arising from this report.</p>
<p>Legal Implications:</p> <p>Failure to support the recommendation could prevent Transport for the North from becoming a Sub-national Transport Body, contrary to the consent provided by the Liverpool City Region Combined Authority. Alternatively, it could mean that Sefton loses the benefit of TfN if it fails to consent to this request</p>
<p>Equality Implications:</p> <p>There are no equality implications.</p>

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not Applicable
Facilitate confident and resilient communities: Not Applicable
Commission, broker and provide core services: Not Applicable
Place – leadership and influencer: The Council, through the Liverpool City Region Combined Authority will be placed to influence the direction of travel for Transport for the North
Drivers of change and reform: The Council, through the Liverpool City Region Combined Authority will be placed to influence the direction of travel for Transport for the North
Facilitate sustainable economic prosperity: Opportunities may present themselves in the future through the Councils association with Transport for the North
Greater income for social investment: Not Applicable
Cleaner Greener Not Applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD.4891/17.....) and Head of Regulation and Compliance (LD 4175/17.....) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision

Immediately following the Committee / Council meeting.

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Appendices:

There are no appendices to this report

Background Papers:

Nil

Additional Information:

Frequently Asked Questions: Transport for the North Sub-national Transport Body status linked to this report.

1. Introduction/Background

1.1 Transport for the North has produced a note which sets out the history and the current position in respect of the making of requisite regulations by the Secretary of State to establish Transport for the North as a Sub- National Transport Body.

1.2 At its meeting of 18 August 2017 the Liverpool City Region Combined Authority provided consent to the Secretary of State to prepare regulations for Transport for the North to become a Sub-national Transport Body (minute item 58 relates).

1.3 The Secretary of State has now formally responded to the proposal and has indicated that he is minded to make Regulations creating TfN as the first Sub-national Transport Body with the following functions:-

- The preparation of a Northern Transport Strategy;
- The provision of advice on the North's priorities, as a statutory partner in the Department's investment processes; and
- The coordination of regional transport activities (i.e. smart ticketing) and the co-management of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Ltd.

1.4 Regulations have now been drafted which, once they are passed, will confer on Transport for the North the majority of the functions and powers requested in the proposal. Before the Secretary of State can make the regulations he must obtain consent from each of the 19 constituent authorities and also consent to the granting of concurrent highway powers from each of the highway authorities within Transport for the North's area. The Liverpool City Region Combined Authority is not a highway authority and therefore the Council's consent is required to the granting of highway powers within the regulations.

1.5 The draft regulations firstly relate to the following current powers of the Secretary of State (relating to the construction of trunk roads), which may be delegated down to Transport for the North:-

- Section 6(5) Highways Act 1980 (power to enter into agreements for works relating to trunk roads);
- Sections 105A – 105C Highways Act 1980 (functions relating to environmental impact assessments);
- Sections 239 to 240 and 246 Highways Act 1980 (powers to acquire land in connection with highways); and
- Section 250 Highways Act 1980 (powers relating to the acquisition of powers over land).

1.6 Secondly the following powers (under the Highways Act 1980) would be conferred on Transport for the North concurrently with the local Highway Authority:-

- Section 8(1) (power to enter agreements with local highways authorities etc. for doing certain works);
- Section 24(2) (power of local highway authority to construct new highways);
- Section 25(i) (powers to enter into agreement for creation of footpath etc.);
- Section 26 (i) (compulsory powers for creation of footpaths etc.); and
- Various functions in Sections 239, 240, 246 and 250 relating to the acquisition of land for highway purposes.

1.7 Consent to the making of regulations by the Secretary of State is an important mechanism to support Transport for the North's ambition to transform the transport system across the North of England, providing the infrastructure needed to drive economic growth.