

## **COUNCIL – 25 JANUARY 2018**

### **REPORT OF THE LEADER OF THE COUNCIL**

#### **COUNCIL CONSTITUTION – CALL-IN AND URGENCY PROVISIONS**

I wish to report that the Chair of the relevant Overview and Scrutiny Committee gave consent, under Rule 46 of the Overview and Scrutiny Procedure Rules set out in the Council Constitution to the following issue being dealt with, on the basis that the decision could not be reasonably deferred, and not be subject to call-in.

#### **CABINET – 2 NOVEMBER 2017**

##### **82. Transport for the North - Draft Regulations**

The Cabinet considered the report of the Head of Locality Services – Commissioned that sought 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.

The Leader of the Council reported that Cabinet were required to agree an additional recommendation in relation to the chair of the Overview and Scrutiny Committee (Regeneration and Skills), Councillor Sayers giving his consent to waive call-in under Rule 46 of the Scrutiny Procedure Rules on the basis that the decisions could not be reasonably deferred because the Council is required to submit a written response to Transport for the North by 2 November 2017 to enable them to respond to the Department of Transport.

**Decision Made:** That the Cabinet:

- (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; and
- (4) note that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given their consent under Rule 46 of the Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to “call in” on the basis that the decisions could not be reasonably deferred because the Council is required to submit a written response to Transport for the North by 2 November 2017 to enable them to respond to the Department of Transport and for the legislation to proceed in Parliamentary time.

## **Reasons for the Recommendations:**

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:**

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.