

Appendix 5: Transport for the North – FAQs

1. What are constituent authorities consenting to?

The constituent authorities of TfN are consenting to the making of the regulations by the Secretary of State (102F(3) of Local Transport Act 2008). The regulations will then be laid before Parliament in the form of a statutory instrument.

2. When will we see a ‘final’ version of the regulations?

A final version of the regulations will not be available until the statutory instrument has been passed through Parliament. In terms of updates on the current set of draft regulations, these will be shared with constituent authorities as and when they are available. TfN is in regular communication with DfT as we recognise the importance of having available the most up to date version of the regulations. Constituent authorities have already been sent the latest draft of the regulations.

3. Why does TfN need consent to the making of the regulations by 9th September?

There is a limited window of opportunity for the statutory instrument, establishing TfN as a statutory body, to be considered and approved by Parliament. Given the desire to ensure a smooth and orderly Brexit, there is a very tight embargo on non-Brexit legislation between February 2018 and March 2019 (with only legislation such as tax changes being allowed) and therefore should TfN miss the legislative window of opportunity this year, they may have to wait until well after Brexit is concluded to become a statutory body.

It is therefore critical to the successful implementation of the TfN SI that the deadline for parliamentary consideration is adhered to - any delay to consent could impact negatively on this process. As such, consent from each authority will need to be received by the Department for Transport by the 9th September to enable the SI to be laid before Conference recess.

4. What functions are being proposed for TfN?

In an undated letter to John Cridland, TfN’s independent Chair, from the Secretary of State for Transport, Rt. Hon Chris Grayling MP, the main functions of TfN were proposed to be:

1. The preparation of a Northern Transport Strategy;
2. The provision of advice on the North’s priorities, as a Statutory Partner in the Department’s investment processes; and
3. The coordination of regional transport activities, (such as smart ticketing), and the co-management of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Ltd.

In line with this letter, which was circulated to Partnership Board and Executive Board members ahead of the Partnership Board meeting in March, and TfN’s proposal to become a Sub-national Transport Body last year, the draft regulations cover the below functions:

- a) **To prepare a Transport Strategy for the TfN area** (i.e. the combined area of the Constituent Authorities) – this will set the priorities for transport investment in the North and will be approved by TfN after full consultation with the Partnership Board. This is the Strategic Transport Plan, for which engagement on the evidence base is currently being undertaken.
- b) **To advise the Secretary of State about the exercise of transport functions** through the Rail North Partnership Board and the Highways North Board. Recommendations will be made to the Secretary of State on future rail and road strategic investment decisions, taking into account the priorities set by TfN through the Strategic

Transport Plan. Through this role, TfN will have a strong and formal voice in influencing future funding decisions of the Secretary of State relating to the North.

- c) **To co-ordinate the carrying out of transport functions exercisable by different Constituent Authorities** – TfN will have a co-ordinating role in relation to major pan-Northern investment projects funded by the Secretary of State. This will be exercised to smooth out difficulties in cross-boundary projects.
- d) **Ticketing Schemes (sections 134C (1) and 135(1) of the Transport Act 2000)** – TfN is engaged in developing SMART Ticketing across the region which should enable smart ticketing across the region and the use of smart technologies to enable the purchase of tickets with mobile devices.
- e) **To co-manage the TransPennine Express and Northern rail franchises** – this continues the current arrangements whereby Rail North Limited manages these rail franchises on behalf of the Secretary of State.
- f) **Highways powers** – these have not yet been defined in the current draft regulations. TfN has made representations to the DfT that the powers should be ones delegated to TfN by the Secretary of State. Particular care is being taken by the drafts person to reflect these principles. It is not the intention for TfN to dilute any of its constituent authority member's ability or opportunity to address local transport issues through, for instance, bidding for funding from funding programmes. In contrast, the intention is that any input TfN provides to future Road Investment Strategies or other competitive major road funding programmes would be to enhance constituent authority member's business cases through identifying links to pan-northern, strategic priorities.

5. Why does TfN need concurrent powers?

The two main concurrent powers TfN will need to exercise are related to Smart and Integrated Ticketing and highways. For Smart ticketing, it is important that TfN can utilise concurrent powers to ensure people can travel seamlessly across the region. While some individual areas are currently working on their own initiatives, in the long-term these will be able to be integrated into Transport for the North's platform.

With regards to highways, TfN is not seeking to become a Highway Authority and any decisions on investment within a particular area regarding highways would have to be done with the consent of relevant highway authorities. Transport for the North is developing a transport strategy based on economic growth through which individual authorities priorities are incorporated. Therefore, TfN should not impact on any individual applications for funding by local authorities to address pinch points, or local improvement schemes, and in many cases may help support the case for constituent authority funding applications.

The exercise of concurrent powers will be governed by a protocol agreed between TfN and its partner authorities.

6. When will the constitution be adopted?

There is a legal requirement that the constitution of TfN be adopted at its inaugural meeting. The date for TfN becoming a statutory body will be set out in the regulations. Early drafts of the constitution have already been shared with both partnership board, executive board and the constituent authorities.

7. How was the voting matrix developed?

The voting matrix was developed and approved by all of the constituent authorities when the proposal to become a Sub-national Transport Body was submitted in October 2016. The voting matrix was developed to ensure that the larger authorities could not out-vote all of

the smaller ones, and vice-versa. This reflects how TfN is to act as a collaborative organisation, and a strong voice to Government that represents all areas of the North.

8. What happens if an authority wants to leave TfN?

Section 102Q of the Local Transport Act [DATE] states that the Secretary of State, may by regulations, change the area of an STB by either adding the area of a relevant authority to an existing area of an STB or by removing the area of a constituent authority from an existing area of an STB.

9. Can TfN provide assurances of funding long-term?

Transport for the North is funded until 2020. The level of funding will remain the responsibility of the government of the day, but TfN will constantly seek reassurances of funding commitments going forward, when possible. There is strong cross-party support for TfN, both locally and nationally, and this bodes well for any future funding, although this cannot be guaranteed.

In terms of any future contributions from individual authorities, the draft constitution states that such contributions shall require a unanimous decision of the Constituent Authorities and may only be taken after written consent to the proposal has been received from each of the Constituent Authorities.